

SUPPORTING STATEMENT FOR REPORTING REQUIREMENTS FOR:

30 CFR 822 – Special Permanent Program Performance Standards – Operations in Alluvial Valley Floors

OMB Control Number 1029-0049

Terms of Clearance: None

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, 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 in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Section 822.13 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique hydrologic conditions of alluvial valley floors are protected according to the Act. This collection of information was previously approved by the Office of Management and Budget and given control number 1029-0049.

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.]

Information collected and submitted by the permittee will be used by the regulatory authority to make the following determinations:

- The surface coal mining operation would "not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or subirrigated;"
- Mining would not materially damage the quantity or quality of water systems that supply alluvial valley floors; and
- Mining operations would preserve throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors.

Without this information the regulatory authority could not monitor and ensure the protection of alluvial valley floors from adverse effects of surface coal mining.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].*

This information is unique to each respondent. Respondents are individuals who furnish hydrologic data to ensure protection of alluvial valley floors. Respondents may supply this information electronically at their discretion and the regulatory authorities'. Of the States contacted one reported receiving all data from the operators electronically and the other reported that 5% of their data was submitted electronically; therefore, it is believed that nationally, approximately 1/3 of respondents submit their data 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.*

No similar information is collected by OSM or by other federal agencies. Also, circumstances vary with each respondent who provides hydrologic data, and each monitoring system has specific endemic characteristics. Therefore, there is no available information that can be used in lieu of that supplied on each respondent.

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.*

The impact on small entities does not apply to this information collection. The information requested is the minimum needed to ensure the protection to alluvial valley floors.

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.*

The data is collected on an annual basis. If it were collected less frequently, the Office of Surface Mining Reclamation and Enforcement (OSM) and the State regulatory authorities would have insufficient information to properly monitor the impacts of mining on alluvial valley floors.

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 information collection is consistent with the guidelines 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 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.

Two respondents and three regulatory authorities were contacted in March 2007 concerning the current reporting burden. The estimated burden hours reflect their annual estimates.

Contacted respondents were:

Bob Montgomery, Technical Service Manager
Western Energy Company
Colstrip, Montana 59323
(406)784-5186

Jerry Nettleton, Environmental Supervisor
Twenty Mile Coal Company
Oak Creek, Colorado 30467
(970) 870-2712

Contacted regulatory authorities were:

Mark Taylor, Hydrologist
Wyoming Land Quality Division

Sheridan, Wyoming 82801
(307) 673-9337

Tom Kaldenbach, Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
Denver, Colorado 80203
(303) 866-4923

Bob Postle, Ecologist
Office of Surface Mining
Western Regional Coordinating Center
Denver, Colorado 80202
(303) 844-1400

Both respondents who have handled alluvial valley floor (AVF) problem(s) for their firms indicated that providing the information for alluvial valley floors presented no problems as to availability of data, the frequency of collection, and the clarity of instructions or the data elements reported.

Both respondents indicated that approximately 100 hours is required for data collection, processing, and preparing a report to the regulatory authority.

The regulatory authorities were contacted for information on Alluvial Valley Floor monitoring and submission of the monitoring data associated with current permits.

On April 17, 2007, OSM published in the Federal Register (72 FR 19215) 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. Payments or gifts are not provided to respondents.
10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

Not applicable. No confidential information is solicited.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

Not applicable. Sensitive questions are not asked.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*
 - * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*
 - * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.*
 - * 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 in Item 14.*

Reporting and Reviewing Burden

a. Estimate of Burden to Respondents

1. Based on current experience, it is estimated that 21 respondents will be submitting monitoring data on alluvial valley floors annually. The respondents identified in item 8 above stated from their past experiences that nearly 100 hours were spent to complete the needed information concerning alluvial valley floors.

21 respondents x 1 report x 100 hours = 2,100 hours.

2. Based on discussions with regulatory authorities identified in item 8, it is estimated that regulatory

authorities will spend 10 hours annually to review respondent's monitoring data.

21 respondents x 1 report x 10 hours = 210 hours.

Total burden for all respondents is 2,310 hours.

b. Estimated Wage Cost to Respondents

1. Using \$60 per hour, the annual cost to each respondent would be 100 hours x 1 report x \$60/hour = \$6,000. The estimated wage costs to all respondents would be 21 respondents x 1 report x 100 hours x \$60/hour = \$126,000.

2. Using \$45 per hour, the annual cost to regulatory authorities to review each respondent's monitoring data submission would be 10 hours x 1 report x \$45/hour = \$450. The estimated wage costs to review all respondent's monitoring data would be 21 respondents x 1 report x 10 hours x \$45/hour = \$9,450.

Total wage cost to all respondents is \$135,450.

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 shown in Items 12 and 14).*

** 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]. 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 Burdens to Respondents

a. Annualized Capital and Start-Up Costs

There are no capital or start-up costs to complete this information collection beyond that incurred by normal business activities.

b. Operation and Maintenance Costs

There are no distinct operations or maintenance costs associated with the information collection requirements for section 822.13.

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.*

Estimate of Cost to the Federal Government

OSM estimates that it will review all of the Alluvial Valley Floor monitoring data submitted for one permit on Federal/Tribal lands and that it will take 10 hours to review this information. Therefore, the cost to the Federal Government would be 1 respondent x 1 report x 10 hours x \$35/hour = \$350.

15. *Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.*

There are currently 2,970 hours approved by OMB. Due to a change in the number of respondents, from 27 permittees to 21, we are decreasing the annual burden by a total of 660 hours as indicated in the following table:

2,970 hours currently approved
- 660 hours due to decrease in respondents

2,310 hours requested on OMB 83-I

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.*

OSM is not seeking a waiver from the requirement to display the expiration date for OMB approval of the information collection. This information is found at 30 CFR 822.10.

18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

There is no exception to the certification.

B. Collection of Information Employing Statistical Methods

Not applicable. Statistical methods are not employed.