

**Supporting Statements for Reporting and Recordkeeping
Requirements for 30 CFR Part 780: Surface Mining Permit Applications—
Minimum Requirements for Reclamation and Operation Plan**

OMB Control Number 1029-0036

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.*
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.]*
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].*
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.*
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.*

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.*
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.*
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.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*
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 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.*
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.*

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.*
15. *Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 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.*
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.*
18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the OMB Form 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. *Describe (including a 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. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.*

2. *Describe the procedures for the collection of information including:*
 - * *Statistical methodology for stratification and sample selection,*
 - * *Estimation procedure,*
 - * *Degree of accuracy needed for the purpose described in the justification,*
 - * *Unusual problems requiring specialized sampling procedures, and*
 - * *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 non-response. 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 10 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.*

Introduction

We, the Office of Surface Mining Reclamation and Enforcement (OSM), are submitting this information collection clearance package to request authority to collect information and require retention of records under 30 CFR Part 780: Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. Part 780 specifies what an applicant for a permit for a surface coal mine must include in the reclamation plan component of the permit application. OMB previously renewed and approved the collections of information and recordkeeping requirements for this part under clearance number 1029-0036. We are making this new request because a proposed rule that we have published would result in programmatic changes to the currently approved burden for this part.

The proposed rule would remove the requirement that the regulatory authority make certain findings before approving waivers from the prohibition on disturbances within 100 feet of an intermittent or perennial stream in existing 30 CFR 816.57(a). Instead, the proposed rule would establish new permit application requirements in 30 CFR 780.28 that would apply to all proposed disturbances in or within 100 feet of any waters of the United States. Proposed section 780.28 also would require that the regulatory authority make certain findings in all cases of proposed disturbance of the 100-foot buffer.

In addition, the proposed rule would revise 30 CFR 780.35(a) to require that the permit applicant

- Demonstrate that the operation has been designed to minimize the volume of excess spoil to the extent possible, taking into consideration applicable regulations concerning approximate original contour restoration, safety, stability, and environmental protection and the needs of the proposed postmining land use.
- Demonstrate that the designed maximum cumulative volume of all proposed excess spoil fills within the permit area is no larger than the capacity needed to accommodate the anticipated cumulative volume of excess spoil that would be generated by the proposed operation.
- Develop a reasonable range of alternative excess spoil disposal plans in which the size, numbers, and locations of the fills vary; submit an analysis of the environmental impacts of those alternatives; and either select the alternative with the least overall adverse environmental impact or demonstrate to the satisfaction of the regulatory authority why implementation of that alternative is not possible.
- Include a description of the steps to be taken to minimize the adverse environmental impacts that may arise during and after the construction of fills under the selected alternative.

Finally, the proposed rule would revise 30 CFR 780.25 to require that permit applicants for operations that would include slurry impoundments or coal refuse piles identify a reasonable range of alternative coal mine waste disposal methods and alternative locations for any disposal structures; analyze the viability and environmental impacts of each alternative; and either select the alternative with the least overall adverse environmental impact or demonstrate to the satisfaction of the regulatory authority why implementation of that alternative is not possible. The proposed rule also would require that the applicant describe the steps to be taken to minimize adverse environmental impacts that may arise during and after construction of the selected alternative.

Each section of 30 CFR Part 780 is discussed separately. Because the responses to some items in the instructions for the supporting statement are identical for each section; those responses appear on pages 10-12 of this document. Except as otherwise noted in the supporting statements for individual sections, the respondents and potential respondents consist of 2,933 surface mine entities and 24 state regulatory authorities. According to the Energy Information Administration, approximately 792 surface mines were producing coal in 2005.

The tables below summarize the hours for which clearance is requested for Part 780, the total burden hours for each section currently approved by OMB, and the changes we are now requesting that would result from both adjustments and the programmatic changes in the proposed rule. We are requesting 168,871 burden hours, a reduction of 66,257 hours from the currently approved level of 235,128 hours. The decrease is a combination of a programmatic increase to sections 780.25, 780.28, and 780.35 for a total of 7,154 hours plus adjustments which

will reduce the burden requested by 73,411 hours, for a net decrease of 66,257 hours for this Part.

SUMMARY ANNUAL BURDEN TO RESPONDENTS FOR 30 CFR 780

SECTION	NUMBER OF APPLICANTS	HOURS PER APPLICANT	NUMBER OF STATE RESPONSES	HOURS PER STATE	TOTAL HOURS REQUESTED	HOURS CURRENTLY APPROVED	DIFFERENCE
780.11	232	17	228	5	5,084	5,585	-501
780.12	93	8	91	3	1,017	4,040	-3,023
780.13	186	8	182	3	2,034	5,560	-3,526
780.14	232	40	228	8	11,104	18,200	-7,096
780.15	0	0	0	0	0	8	-8
780.16	232	10	228	8	4,144	4,550	-406
780.18	232	70	228	20	20,800	35,350	-14,550
780.21	232	150	228	70	50,760	55,750	-4,990
780.22	232	50	228	40	20,720	22,750	-2,030
780.23	232	20	228	4	5,552	7,600	-2,048
780.25	232	31.79	228	25.456	13,180	14,155	-975
780.27	46	50	45	1	2,345	14,000	-11,655
780.28	278	10	274	10	5,520	0	5,520
780.29	232	16	228	5	4,852	16,425	-11,573
780.31	12	11	11	5	187	4,305	-4,118
780.33	104	8	102	3	1,138	1,770	-632
780.35	170	33	168	25	9,810	12,660	-2,850
780.37	232	25	228	10	8,080	8,875	-795
780.38	232	9	228	2	2,544	3,545	-1,001
TOTAL					168,871	235,128	-66,257

SUMMARY OF CHANGES TO ICB FOR 30 CFR PART 780

REASON FOR CHANGE	CHANGE IN HOURS
Program changes in 780.25, 780.28, 780.35	7,154
Adjustments	-73,411
Net change to ICB	-66,257

SUMMARY OF COSTS FOR 30 CFR PART 780

SECTION	TOTAL NON-WAGE COSTS (\$)	TOTAL FEDERAL COSTS (\$)
780.11	23,200	2,970
780.12	9,300	1,755
780.13	18,600	2,970
780.14	34,800	9,720
780.15	0	0
780.16	46,400	5,580
780.18	255,200	13,950
780.21	580,000	25,020
780.22	1,160,000	17,550
780.23	5,800	2,790
780.25	92,800	14,850
780.27	4,600	495
780.28	27,800	13,950
780.29	34,800	5,040
780.31	6,600	360
780.33	5,200	1,170
780.35	85,000	9,900
780.37	11,600	6,975
780.38	23,200	2,430
	2,424,900	137,475

List of Items with Identical Responses

3. At the discretion of the regulatory authority, persons may submit responses electronically to the extent that both parties have the requisite technical capability. Further, permit applicants have been increasingly using electronic means to prepare their permit applications using word processing, AutoCAD and GPS software applications. Several states, such as Kentucky and Virginia, receive 90% of their permit applications electronically. Other states are not yet prepared to receive applications electronically because of other priorities or the limited size of their program. We estimate that on a national basis, 33% of all permit applications are submitted by electronic means. We hope that this figure will improve over time as more states and permit applicants realize the time and cost savings associated with electronic submissions.
4. The information requested under 30 CFR Part 780 is collected infrequently (generally only once, at the time that a person applies for a permit). Therefore, duplication is minimal to nonexistent. When submitting an application for a permit revision, permittees may cross-reference relevant materials previously submitted in a permit application. OSM is the only federal agency charged with implementing sections 507 and 508 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act).
5. There are no special provisions for small organizations. While small operators may be eligible for financial assistance under the Small Operators Assistance Program (SOAP), Congress has not appropriated money for that program in recent years.
6. Information required in Part 780 provides the basis for SMCRA permitting decisions. Information required under Part 780 is provided only at the time of application. Therefore, a reduction in the frequency of collection is not possible because the information is not collected on a periodic basis.
7. No collection of information under 30 CFR Part 780 is inconsistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting statement. Generally, state regulatory authorities request submission of one original application and two copies. In States that promote electronic submissions, applicants submit 1-3 compact discs. When OSM is the regulatory authority, 3 paper or electronic copies are normally requested, one for review by OSM, one for the federal land management agency, and one to be maintained locally for public review.
8. To determine the burden that would be placed on respondents by the proposed revisions to 30 CFR Part 780, OSM relied on information supplied by our Knoxville Field Office, which processes permit applications for lands for which OSM is the regulatory authority in the Appalachian Region, and contacted the following state regulatory authorities and a mining consulting firm that prepares mining permit applications. We supplied a concise description of the proposed revisions along with a request for input on the associated information collection requirements and any other comments they wished to make regarding the clarity of the proposed rules and potential burdens.

Jim Pierce, Lead Permitting Engineer
West Virginia Department of Environmental Protection
Division of Mining and Reclamation
1101 George Kostas Drive
Logan, WV 25601
Phone: 304-792-7250
Email: jpierce@wvdep.org

Mark Carew
Kentucky Department of Natural Resources
Division of Mine Permitting
#2 Hudson Hollow Complex
Frankfort, KY 40601
Phone: (502) 564-2320
Email: Mark.Carew@ky.gov.

Jim Canterbury
Summit Engineering Inc.
400 Allen Drive, Suite 100
Charleston, WV 25302
Phone: 304-342-1342
Email: jcanterbury@summit-engr.com

The persons listed above stated that many of the new requirements would not add appreciably to permittee or state regulatory authority workloads because similar requirements or reviews already exist under the programs implementing sections 401 and 404 of the Clean Water Act. They also noted that some of the new requirements were already being implemented as a matter of policy in Kentucky and West Virginia.

Mr. Carew stated that, with respect to proposed excess spoil fills and coal mine waste disposal facilities, it was not clear whether economic factors may be considered in determining whether an alternative is possible. We have revised the rule and preamble to clarify that the determination must be made on the basis of cost, technology, and logistics, meaning that economic factors are an integral element of the determination.

Mr. Carew expressed concern that one of the findings required for a variance from the prohibition on disturbance of the buffer may be difficult or impossible to meet because any disturbance will have some impact compared to no impact. The rule in question requires the regulatory authority to find that measures proposed by the applicant in lieu of maintaining the 100-foot buffer would be no less effective than that buffer in meeting the requirements of the regulatory program. We have retained that finding in the proposed rule, but may reevaluate it depending upon the comments that we receive.

Mr. Carew noted that the revised finding for stream diversions may mean that engineers will have to certify compliance with vague requirements (protection of fish, wildlife, and

related environmental values) outside their area of expertise. We have revised the rule to limit the scope of the certification to the design and construction requirements in the regulations and any design criteria established by the regulatory authority. The certification need not duplicate the finding required of the regulatory authority.

9. Not applicable. OSM and state regulatory authorities provide no payments or gifts to respondents except for grants to states authorized by law.
 10. The permit applicant has the right to request confidentiality for certain information, for example, analyses of the chemical and physical properties of the coal to be mined. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential if requested by the permit applicant and approved by the regulatory authority. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archeological resources on public lands and Indian lands be kept confidential. Confidentiality requests are handled in accordance with the procedures provided in 30 CFR 773.13(d).
 11. Not applicable. Sensitive questions are not asked.
 15. See individual responses for each rule section for explanation for the burden hour adjustments.
 16. Not applicable. OSM has no plans to publish the information collected.
 17. Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collected.
 18. Not applicable. There are no exceptions to the certification statement in Item 19 of OMB Form 83-I.
- B. Collections of Information Employing Statistical Methods.

Statistical methods are not appropriate for collection of the information required under 30 CFR Part 780.

***Supporting Statement for Reporting Requirements of
Section 780.11***

A. Justification

1. The regulations at 30 CFR 780.11 require the permit applicant to provide a description of the mining operations to be conducted, including the type and method of coal mining techniques to be used and a narrative explaining construction, maintenance and use of facilities. The regulations are based upon section 507(b)(7) of SMCRA, which requires a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used in the mining operation, and section 508(a)(5) of SMCRA, which requires submission of the engineering techniques to be used in mining and reclamation and a description of the major equipment to be used.
2. The information required by this section aids the regulatory authority in determining whether the applicant can meet the permit application requirements and performance standards of the Act and its implementing regulations.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

Based on data from the 2006 evaluation year, we and the 24 state regulatory authorities annually receive approximately 232 new permit applications for surface mines (228 by states and 4 by us), all of which must include the information required by 30 CFR 780.11. We estimate that each applicant requires 17 hours to collect this information. Therefore,

the annual burden to permit applicants for compliance with this section totals **3,944 hours** (232 applications x 17 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **1,140 hours** (228 permit applications received by state regulatory authorities x 5 hours per application).

Therefore, the total annual burden for all respondents is **5,084 hours** (3,944 hours for permit applicants + 1,140 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$1,020 (17 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$236,640** (\$1,020 per applicant x 232 applicants). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$51,300** (\$45 per hour x 5 hours per application x 228 applications per year).

The total labor costs for all respondents are **\$287,940** (\$236,640 for permit applicants + \$51,300 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, newspaper publications, laboratory analyses, and postage average \$100 per application. The total costs for all permit applicants would be **\$23,200** (\$100 x 232 applications).

b. Operation, Maintenance and Services

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,070** (23 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 5 hours to review each application to ensure compliance with

section 780.11. The cost of that review is **\$900** (4 applications x 5 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,970** (\$2,070 oversight costs + \$900 permitting costs).

24944. There are currently 5,585 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, a decline in the number of permit applications submitted each year from 255 to 232 will decrease the burden by 501 hours, as shown below:

5,585 hours currently approved
- <u>501</u> hours due to an adjustment
5,084 hours requested

Note: OSM has removed the burden associated with 780.15 (see page 25). However, OMB's ROCIS system will not let us remove the burden since this is the first time that 1029-0036 has been uploaded to ROCIS. Therefore, OSM has removed the burden for 780.15 from this section in the ROCIS system.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.12***

A. Justification.

1. Section 507(b)(13) of SMCRA requires the permit applicant to provide a description of each existing structure proposed to be used in the mining or reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. The regulations at 30 CFR 780.12 implement this requirement for surface mines.
2. The regulatory authority uses the information collected under this section to determine if existing structures can comply with the performance standards in Part 816 of our regulations, and, if not, what modifications are needed.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). Based on contacts with state agencies and permit applicants, we estimate that approximately 40% (93) of those permit applications propose to use existing structures and therefore must supply this information, which requires an estimated 8 hours to prepare. Therefore, the total annual burden on permit applicants for compliance with this section is **744 hours** (93 permit applications x 8 hours per application).

The total annual burden for state regulatory authorities, which receive an estimated 91 of the 93 applications containing this information, to review this portion of the permit application is approximately **273 hours** (91 permit applications received by state regulatory authorities x 3 hours per application).

Therefore, the total annual burden for all respondents is **1,017 hours** (744 hours for permit applicants + 273 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$480 (8 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$44,640** (\$480 per applicant x 93 applicants). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$12,285** (\$45 per hour x 3 hours per application x 91 applications per year).

The total labor costs for all respondents are **\$56,925** (\$44,640 for permit applicants + \$12,285 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs.

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, newspaper publications, laboratory analyses, and postage average \$100 per application. The total costs for all permit applicants would be **\$9,300** (93 applications x \$100 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (9) of the 91 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$1,215** (9 permit applications x 3 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 3 hours to review each application to ensure compliance with section 780.12. The cost of that review is **\$540** (4 applications x 3 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$1,755** (\$1,215 oversight costs + \$540 permitting costs).

15. There are currently 4,040 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to reflect a reduction in usage (from all permit applications to 40% of permit applications) and a decline in the number of permit applications received (from 255 per year to 232 per year). The adjustment will decrease the burden by 2,750 hours, as shown below:

$$\begin{array}{r} 4,040 \text{ hours currently approved} \\ - \underline{3,023 \text{ hours due to an adjustment}} \\ 1,017 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.13***

A. Justification

1. Section 507(g) of SMCRA requires each applicant for a surface mining permit to submit a blasting plan that will meet the requirements of section 515(b)(15) of the Act if the operation plan involves the use of explosives. The regulations at 30 CFR 780.13 reflect this requirement.
2. Both the regulatory authority and the permit applicant use the blasting plan to ensure that the mining operation plans its use of explosives in a safe and responsible manner that is designed to avoid property damage.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). Based on contacts with state agencies and permit applicants, we estimate that approximately 80% (186) of those permit applications propose to use explosives and therefore must submit a blasting plan under this section. The blasting plan requires an estimated 8 hours to prepare. Therefore, the total annual burden on permit applicants for compliance with this section is **1,488 hours** (186 permit applications x 8 hours per application).

The total annual burden for state regulatory authorities, which receive an estimated 182 of the 186 applications containing this information, to review this portion of the permit application is approximately **546 hours** (182 permit applications received by state regulatory authorities x 3 hours per application).

Therefore, the total annual burden for all respondents is **2,034 hours** (1,488 hours for permit applicants + 546 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$480 (8 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$89,280** (\$480 per applicant x 186 applicants). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$24,570** (\$45 per hour x 3 hours per application x 182 applications per year).

The total labor costs for all respondents are **\$113,850** (\$89,280 for permit applicants + \$24,570 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs.

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, newspaper publications, laboratory analyses, and postage average \$100 per application. The total costs for all permit applicants would be **\$18,600** (186 applications x \$100 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (18) of the 182 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$2,430** (18 permit applications x 3 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 3 hours to review each application to ensure compliance with section 780.13. The cost of that review is **\$540** (4 applications x 3 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,970** (\$2,430 oversight costs + \$540 permitting costs).

15. There are currently 5,560 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to reflect a reduction in usage (from all permit applications to 80% of permit applications), a decrease in unit time requirements, and a decline in the number of permit applications received (from 255 per year to 232 per year). The adjustment will decrease the burden by 3,526 hours, as shown below:

$$\begin{array}{r} 5,560 \text{ hours currently approved} \\ - \underline{3,526 \text{ hours due to an adjustment}} \\ 2,034 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.14***

A. Justification.

1. Sections 507(b)(13) and (14) of SMCRA require that each permit applicant submit maps, plans, and cross-sections of the proposed permit area and the adjacent area. The regulations at 30 CFR 780.14 implement this requirement for surface mines.
2. The regulatory authority uses the maps, cross-sections, and plans submitted with the application to ensure that the operation has been located and designed in accordance with the requirements of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

While the proposed rule includes various changes to this section, those changes do not impact information collection requirements. According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 40 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **9,280 hours** (232 applications x 40 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **1,824 hours** (228 permit applications received by state regulatory authorities x 8 hours per application).

Therefore, the total annual burden for all respondents is **11,104 hours** (9,280 hours for permit applicants + 1,824 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$2,400 (40 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$556,800** (\$2,400 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$82,080** (\$45 per hour x 8 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$638,880** (\$556,800 for permit applicants + \$82,080 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, laboratory analyses, and postage average \$150 per application, which translates to a total cost of **\$34,800** for all applicants (232 applications x \$150 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$8,280** (23 permit applications x 8 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 8 hours to review each application to ensure compliance with section 780.14. The cost of that review is **\$1,440** (4 applications x 8 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$9,720** (\$8,280 oversight costs + \$1,440 permitting costs).

15. There are currently 18,200 hours approved for this section. The proposed rule will not impact any information collection requirements in this section. However, we are making an adjustment to reflect a decrease in unit time requirements for state regulatory authority review (based on more recent data) and a decline in the number of permit applications received (from 255 per year to 232 per year). The adjustment will decrease the burden by 7,096 hours, as shown below:

$$\begin{array}{r} 18,200 \text{ hours currently approved} \\ - \underline{7,096 \text{ hours due to an adjustment}} \\ 11,104 \text{ hours requested} \end{array}$$

24945. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.15***

A. Justification

1. Section 508(a)(9) of SMCRA requires that each application for a surface mining permit include the steps to be taken to comply with applicable air and water quality laws and regulations. However, the regulations at 30 CFR 780.15 primarily reflect sections 515(a) and (b)(4) of SMCRA, which provide that each permit must require that surface coal mining and reclamation operations be conducted so as to “stabilize and protect all surface areas *** to effectively control erosion and air pollution attendant to erosion.” Paragraph (a) of 30 CFR 780.15 provides that, if the proposed operations would produce more than one million tons of coal per year and would be located west of the 100th meridian west longitude, the application must include (1) an air quality monitoring program to evaluate the effectiveness of fugitive dust control practices under 30 CFR 816.95, and (2) a plan for fugitive dust control practices under 30 CFR 816.95. Paragraph (b) of 30 CFR 780.15 requires that all other applications, regardless of size or location, include “a plan for fugitive dust control practices as required under 30 CFR 816.95.” However, on January 10, 1983, in response to a court decision restricting OSM’s jurisdiction to air pollution attendant to erosion, OSM revised 30 CFR 816.95 to remove both the requirement for a plan for fugitive dust control practices and the list of fugitive dust control practices. The preamble effectively acknowledges that the revised performance standards render the permit application regulations moot.
2. The regulatory authority no longer has any meaningful use for the information submitted under this rule. To the extent that it includes information required for compliance with the Clean Air Act, the rule satisfies the requirement of section 508(a)(9) of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

On January 10, 1983, in response to a court decision restricting OSM's jurisdiction to air pollution attendant to erosion, we revised 30 CFR 816.95 to remove both the requirement for a plan for fugitive dust control practices and the list of fugitive dust control practices. The preamble effectively acknowledges that the revised performance standards render the permit application regulations at 30 CFR 780.15 moot. Therefore, we are not requesting or including an information collection burden for 30 CFR 780.15.

b. Estimated Annual Wage Cost to Respondents

None. See item 12.a.

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs.

None. See item 12.a.

b. Operation, Maintenance and Services.

None. See item 12.a.

14. Estimate of Costs to the Federal Government:

None. See item 12.a.

15. There are currently 8 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are requesting that this burden be eliminated for the reasons discussed in items 1 and 12.a. If approved, the burden will change as follows:

$$\begin{array}{r} 8 \text{ hours currently approved} \\ - \text{ } 8 \text{ hours due to an adjustment} \\ \hline 0 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.16***

A. Justification.

1. The regulations at 30 CFR 780.16 require that each application for a surface mine include baseline fish and wildlife resource information for the proposed permit and adjacent areas. They also require submission of a fish and wildlife protection and enhancement plan. Those requirements are intended to assist implementation of section 515(b)(24) of SMCRA, which requires that surface coal mining and reclamation operations be conducted to minimize disturbances and adverse impacts to fish, wildlife, and related environmental values and achieve enhancement where applicable.
2. The regulatory authority uses the information provided under 30 CFR 780.16 to ensure that the operation is designed meet the requirements of section 515(b)(24) of SMCRA to minimize disturbances and adverse impacts to fish, wildlife and related environmental values to the extent possible using the best technology currently available.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 10 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **2,320 hours** (232 applications x 10 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **1,824 hours** (228 permit applications received by state regulatory authorities x 8 hours per application).

Therefore, the total annual burden for all respondents is **4,124 hours** (2,320 hours for permit applicants + 1,824 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$600 (10 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$139,200** (\$600 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$82,080** (\$45 per hour x 8 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$221,280** (\$139,200 for permit applicants + \$82,080 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, laboratory analyses, and postage average \$200 per application, which translates to a total cost of **\$46,400** for all applicants (232 applications x \$200 per application).

b. Operations, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$4,140** (23 permit applications x 4 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 8 hours to review each application to ensure compliance with

section 780.16. The cost of that review is **\$1,440** (4 applications x 8 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$5,580** (\$4,140 oversight costs + \$1,440 permitting costs).

15. There are currently 4,550 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment for a reduction in use from 255 permit applications per year to 232 applications per year. The adjustment will decrease the burden by 406 hours, as shown below:

$$\begin{array}{r} 4,550 \text{ hours currently approved} \\ - \quad 406 \text{ hours due to an adjustment} \\ \hline 4,144 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.18***

A. Justification.

1. Sections 507(d) and 508(a) of SMCRA require that each permit application include a reclamation plan containing certain information. The regulations at 30 CFR 780.18 reflect this requirement for surface mines.
2. The regulatory authority uses the information collected under this section to determine if a permit application meets the requirements of SMCRA, including the standards for approval of the application.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. Based on discussions with industry representatives, we estimate that each applicant requires an average of 70 hours to prepare this information, although that time will range between 3 and 100+ hours depending on the size and complexity of the operation. Therefore, the annual burden to permit applicants for compliance with this section totals **16,240 hours** (232 applications x 70 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **4,560 hours** (228 permit applications received by state regulatory authorities x 20 hours per application).

Therefore, the total annual burden for all respondents is **20,800 hours** (16,240 hours for permit applicants + 4,560 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$4,200 (70 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$974,400** (\$4,200 per applicant x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$205,200** (\$45 per hour x 20 hours per application x 228 applications per year).

The total labor costs for all respondents are **\$1,179,600** (\$974,400 for permit applicants + \$205,200 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, laboratory analyses, and postage average \$1,100 per application, which translates to a total cost of **\$255,200** for all applicants (232 applications x \$1,100 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$10,350** (23 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 20 hours to review each of those applications to ensure compliance with section 780.18. The cost of that review is **\$3,600** (4 applications x 20 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$13,950** (\$10,350 oversight costs + \$3,600 permitting costs).

15. There are currently 35,350 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to reflect a decline in the number of permit applications received (from 255 per year to 232 per year) and a reduction in the estimated time that the regulatory authority needs to review this information (from 70 hours per application to 20 hours per application). The adjustment will decrease the burden by 14,550 hours, as shown below:

$$\begin{array}{r} 35,350 \text{ hours currently approved} \\ - \underline{14,550 \text{ hours due to an adjustment}} \\ 20,800 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.21***

A. Justification.

1. Section 507(b)(11) of SMCRA requires that every application for a surface mining permit include a determination of the probably hydrologic consequences of the proposed operations. Section 508(a)(13) of SMCRA requires that the application include a detailed description of the measures to be taken to protect the quality and quantity of surface and ground water systems and the rights of water users. Section 517(b)(2) of SMCRA requires that the permittee monitor both surface and ground water systems. Collection and analysis of the baseline hydrologic information required by 30 CFR 780.21 is an integral element of meeting those statutory requirements and determining the effects of mining and reclamation. Collection of this information is necessary to predict whether mining may have adverse impacts on the hydrologic balance and, if so, to develop plans for remedial and restorative measures.
2. The permit applicant uses the information collected under 30 CFR 780.21 to develop the determination of the probable hydrologic consequences of the proposed operation, as required by the statute, and to provide a baseline for the monitoring program also required by the statute. The regulatory authority uses the information to assist in evaluating the probable impacts of the operation on surface and ground water systems and in preparing the cumulative hydrologic impact assessment, as well as determining whether the operation has been designed to meet the hydrologic protection requirements of the statute.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. Based on discussions with industry representatives, we estimate that each applicant requires 150 hours to prepare this information. Therefore, the annual burden to permit applicants for compliance with this section totals **34,800 hours** (232 applications x 150 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **15,960 hours** (228 permit applications received by state regulatory authorities x 70 hours per application).

Therefore, the total annual burden for all respondents is **50,760 hours** (34,800 hours for permit applicants + 15,960 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$9,000 (150 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$2,088,000** (\$9,000 per applicant x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$718,200** (\$45 per hour x 70 hours per application x 228 applications per year).

The total labor costs for all respondents are **\$2,806,200** (\$2,088,000 for permit applicants + \$718,200 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

We estimate that non-labor costs for items such as equipment, copying, travel to the minesite and other locations for data collection, laboratory analyses, and postage average \$2,500 per application, which translates to a total cost of **\$580,000** for all applicants (232 applications x \$2,500 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this

review is **\$12,420** (23 permit applications x 12 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 70 hours to review each of those applications to ensure compliance with section 780.21. The cost of that review is **\$12,600** (4 applications x 70 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$25,020** (\$12,420 oversight costs + \$12,600 permitting costs).

15. There are currently 55,750 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to reflect a reduction in the number of permit applications from 255 per year to 232 per year, which will decrease the burden by 4,990 hours as shown below:

$$\begin{array}{r} 55,750 \text{ hours currently approved} \\ - \quad 4,990 \text{ hours due to an adjustment} \\ \hline 50,760 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.22***

A. Justification.

1. Sections 507(b)(11), (14) and (15) and 508(a)(13) of SMCRA require collection and analysis of geologic information to determine the probable hydrologic consequences of the proposed mining operations and any potentially acid- or toxic-forming substances that may affect the quality of surface waters or groundwater systems. The regulations at 30 CFR 780.22, which require that the permit application include various geologic data, reflect these requirements.
2. The regulatory authority uses the information submitted under 30 CFR 780.22 to evaluate the adequacy of the hydrologic reclamation plan for the proposed operation, to determine whether a toxic materials handling plan is needed, to ascertain whether discharge treatment will be needed and whether those discharges will cease after mining and reclamation, to determine whether reclamation is feasible, and prepare the cumulative hydrologic impact assessment required by SMCRA for issuance of a permit.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 50 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **11,600 hours** (232 applications x 50 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **9,120 hours** (228 permit applications received by state regulatory authorities x 40 hours per application).

Therefore, the total annual burden for all respondents is **20,720 hours** (11,600 hours for permit applicants + 9,120 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$3,000 (50 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$696,000** (\$3,000 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$410,400** (\$45 per hour x 40 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$1,106,400** (\$696,000 for permit applicants + \$410,400 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$5,000 for this section, which translates to a total cost of **\$1,160,000** for all applicants (232 applications x \$5,000 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$10,350** (23 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 40 hours to review each of those applications to ensure compliance

with section 780.22. The cost of that review is **\$7,200** (4 applications x 40 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$17,550** (\$10,350 oversight costs + \$7,200 permitting costs).

15. There are currently 22,750 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment for a decline in the number of permit applications received from 255 to 232 per year. The adjustment will decrease the burden by 2,030 hours, as shown below:

$$\begin{array}{r} 22,750 \text{ hours currently approved} \\ - \quad 2,030 \text{ hours due to an adjustment} \\ \hline 20,720 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.23***

A. Justification.

1. Section 784.15 requires permit applicants to provide a description of the current land use, its productivity, the proposed postmining land use, and documentation regarding comments received from the landowners and state and local governments concerning the postmining land use. Section 784.15 implements subsections (a)(2)(A), (B), and (C) and (a)(3) and (4) of section 508 of SMCRA with respect to surface mines.
2. The regulatory authority uses the information required in section 780.23 in making decisions on proposed postmining land uses and provides a baseline for determination of revegetation success. Failure to submit this information would hamper assessment of reclamation success.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 20 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **4,640 hours** (232 applications x 20 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **912 hours** (228 permit applications received by state regulatory authorities x 4 hours per application).

Therefore, the total annual burden for all respondents is **5,552 hours** (4,640 hours for permit applicants + 912 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$1,200 (20 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$278,400** (\$1,200 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$41,040** (\$45 per hour x 4 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$319,440** (\$278,400 for permit applicants + \$41,040 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application for this section average \$25, which translates to a total cost of **\$5,800** for all applicants (232 applications x \$25 per application).

b. Operation, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,070** (23 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 4 hours to review each application to ensure compliance with section 780.23. The cost of that review is **\$720** (4 applications x 4 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,790** (\$2,070 oversight costs + \$720 permitting costs).

15. There are currently 7,600 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment for a decline in the number of permit applications received from 255 to 232 per year and a decrease in the time that regulatory authorities need to review this information from 10 hours per application to 4 hours per application. The adjustment will decrease the burden by 2,048 hours, as shown below:

$$\begin{array}{r} 7,600 \text{ hours currently approved} \\ - \underline{2,048 \text{ hours due to an adjustment}} \\ 5,552 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.25***

A. Justification.

1. Sections 507(b)(14), 508(a)(5) and (13), 515(a), 515(b)(10) and (11), and 515(f) of SMCRA provide authority for 30 CFR 780.25, which contains design and other permit application requirements for siltation structures, impoundments, and refuse piles. We are proposing to revise the rules to include new requirements relating to refuse piles and coal mine waste impoundments. The purpose of the new rules would be to ensure that the applicant selects the alternative with the least overall adverse environmental impact. The authority for the proposed rules arises from paragraphs (b)(10)(B)(i) and (b)(24) of section 515 of SMCRA, which require that surface coal mining operations use the best technology currently available to the extent possible to prevent additional contributions of suspended solids to streamflow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.
2. Both permit applicants and SMCRA regulatory authorities use the information required by this rule to ensure that siltation structures, impoundments, and refuse piles are designed to protect public safety, property, and the environment.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden.

a. Burden Hour Estimates for Respondents.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include at least some of the information required by this section. Prior

consultations with industry representatives indicate that each applicant will need an average of 31 hours to prepare the information required by 30 CFR 780.25, exclusive of the new information required by the proposed rule for coal mine waste disposal facilities (refuse piles and coal processing waste impoundments). As discussed below, applicants are already preparing and submitting that information under a different law, so we are not including any burden hours for the proposed new requirements for permit applicants for those facilities.

However, we are moving the burden for preparation and certification of designs for refuse piles and coal mine waste impoundments from 30 CFR 816.81 to this section because that burden is more properly assessed as a permitting burden rather than a performance standard burden. Based on consultation with industry personnel, that burden averages 8 hours per design certification, which would be in addition to the 31 hours already required for compliance with the other design requirements of 30 CFR 780.25 pertaining to impoundments and siltation structures in general. Based on our experience, we estimate that 10% (23) of the 232 applications for surface mine permits approved each year will include either a refuse pile or a coal mine waste impoundment. Therefore, the total annual burden to permit applicants for compliance with this section would be **7,376 hours** [(232 applications with impoundments and siltation structures x 31 hours per application) + (23 applications with refuse piles or coal mine waste impoundments x 8 hours per application for design certification)].

The persons listed in item 8 indicate that the new requirements in the proposed rule for identification of a reasonable range of alternatives for coal mine waste disposal and analysis of the environmental impact of those alternatives would not add to the burden for the permit applicant because that information is already being collected and provided under a different law—sections 401 and 404 of the Clean Water Act. However, averaged together, the state regulatory authority respondents in item 8 estimate that the new requirements would add 4.5 hours to the review burden of the regulatory authority for each application for a refuse pile or coal mine waste impoundment. (There is no regulatory authority review burden for the design certifications required under 30 CFR 816.81(c), the burden for which is being transferred to this section.) Therefore, we estimate that the total annual burden for state regulatory authorities to review information submitted under 30 CFR 780.25 in its entirety if the proposed rule becomes final would be **5,804 hours** [(228 permit applications received by state regulatory authorities with impoundments and siltation structures x 25 hours per application) + (23 applications with refuse piles or coal mine waste impoundments x 4.5 hours per application for design review)].

Therefore, the total annual burden for all respondents would be **13,180 hours** (7,376 hours for permit applicants + 5,804 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents.

At a wage rate of \$60 per hour, the annual labor cost for all permit applicants to comply with this section would be **\$442,020** (7,367 hours from item 12.a. x \$60 per hour). At a

wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review those applications would total **\$261,180** (\$45 per hour x 5,804 hours from item 12.a.).

Total annual labor costs for all respondents would be **\$703,200** (\$442,020 for permit applicants + \$261,180 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application will average \$400 per application for items such as equipment, copying costs, and travel to the minesite and other locations, which translates to a total cost of **\$92,800** for all applicants (232 applications x \$400 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$10,350** (23 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will receive 4 surface mine permit application each year in that capacity and that we will need 25 hours to review that application to ensure compliance with section 780.25. The cost of that review is **\$4,500** (4 application x 25 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$14,850** (\$10,350 oversight costs + \$4,500 permitting costs).

15. There are currently 14,155 hours approved for this section. Because of a programmatic change in the proposed rule, a transfer of burden from 30 CFR 816.81, and a reduction in the number of permit applications from 255 per year to 232 per year, we anticipate that the burden will decrease by 975 hours, as shown below:

14,155 hours currently approved
+ 104 hours because of a programmatic change in the proposed rule
+ 184 hours transferred from 30 CFR 816.81

- 1,263 hours because of an adjustment in use (reduction in number of respondents)
13,180 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.27***

A. Justification.

1. These regulations, which address surface mining activities to be conducted within 500 feet of an underground mine, in part implement section 515(b)(12) of SMCRA. Section 515(a) of SMCRA authorizes the adoption of permitting regulations corresponding to the performance standards in section 515(b).
2. The regulatory authority uses the information collected under this section to ensure that surface mining activities are coordinated with any nearby active underground mines and take into account any nearby abandoned mines, thus protecting the safety of miners in both types of mines.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

Section 780.27 requires that the permit application describe the measures to be taken to comply with 30 CFR 816.79, which prohibits surface mining activities within 500 feet of an active or abandoned underground mine unless those activities are jointly approved by the regulatory authority, the Mine Safety and Health Administration, and the state agency responsible for the safety of underground mine workers. We estimate that 20% of all new permit applications are subject to the joint approval requirement.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). As

noted above, we estimate that 20% (46) of those permit applications include the information required by this section. We also estimate that each applicant requires 50 hours to obtain the joint approvals. Therefore, the annual burden to permit applicants for compliance with this section totals **2,300 hours** (46 applications with joint approval x 50 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **45 hours** (45 permit applications received by state regulatory authorities x 1 hour per application).

Therefore, the total annual burden for all respondents is **2,345 hours** (2,300 hours for permit applicants + 45 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$3,000 (50 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$138,000** (\$3,000 per application x 46 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$2,025** (\$45 per hour x 1 hour per application x 45 applications containing this information received by state regulatory authorities each year).

Total annual labor costs for all respondents are **\$140,025** (\$138,000 for permit applicants + \$2,025 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$4,600** for all applicants (46 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (5) of the 45 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$450** (5 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that each year we will process one surface mine permit application that contains

the information required by this section. We will need 1 hour to review that application to ensure compliance with section 780.27. The cost of that review is \$45 (1 application x 1 hour per application x \$45 per hour).

The total annual cost to the Federal government for this section is \$495 (\$450 in oversight costs + \$45 in permitting costs).

15. There are currently 14,000 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making several adjustments that will reduce the burden. The first is a reduction in the percentage of permit applications that include this information (20%, down from 100%). The second is a decline in the number of permit applications received from 255 to 232 per year. The third is a decrease in the time that regulatory authorities need to review this information from 5 hours per application to 1 hour per application. These adjustments will decrease the burden by 11,655 hours, as shown below:

$$\begin{array}{r} 14,000 \text{ hours currently approved} \\ - \underline{11,655 \text{ hours due to an adjustment}} \\ 2,345 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.28***

A. Justification.

1. Proposed 30 CFR 780.28 would establish permit application requirements for activities in or within 100 feet of waters of the United States and specify findings that the regulatory authority must make before approving those activities. The proposed rules are primarily intended to implement section 515(b)(10)(B)(i) of SMCRA, which requires that surface coal mining operations be conducted to prevent additional contributions of suspended solids to streamflow outside the permit area to the extent possible, and section 515(b)(24) of SMCRA, which requires that surface coal mining and reclamation operations minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values to the extent possible. Both sections require use of the best technology currently available. Section 201(c) of SMCRA provides the authority for us to adopt regulations implementing those sections of SMCRA.
2. The regulatory authority will use the information provided under this section and the findings that it must make to ensure that surface coal mining and reclamation operations are designed to implement the statutory requirements outlined in the response to item 1.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

The proposed rule would remove the requirement in existing 30 CFR 816.57(a) that the regulatory authority make certain findings before approving waivers from the prohibition on surface mining activities that would disturb land within 100 feet of an intermittent or

perennial stream. Instead, proposed 30 CFR 780.28 would establish new permit application requirements that would apply to all proposed disturbances in or within 100 feet of any waters of the United States. The applicant would need to demonstrate that the activities would meet the statutory requirements for sediment control and protection of fish, wildlife, and related environmental values to the extent possible using the best technology currently available. Proposed section 780.28 also would require that the regulatory authority make findings that the applicant had made the required demonstration in a satisfactory manner in all cases of proposed disturbance of the 100-foot buffer.

Therefore, the burden now imposed on permit applicants and regulatory authorities under 30 CFR 816.57 for stream buffer zones would move to proposed 30 CFR 780.28. Based on responses from the persons in item 8, we estimate that the new requirements in section 780.28 would impose a unit burden equal to that currently imposed under 30 CFR 816.57.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). Based on the information provided by the persons listed in item 8, we estimate that 60% (139) of those permits will include activities in or within 100 feet of waters of the United States and therefore must include the information required by this section. On the same basis, we estimate that the information also will be needed for an equal number (139) of permit revisions and amendments. We estimate that each applicant will need 10 hours to prepare the information required by 30 CFR 780.28. Therefore, the total annual burden to permit applicants for compliance with this section would be **2,780 hours** (278 applications for new permits or permit revisions with activities in buffer zones x 10 hours per application).

We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 780.28 and make the required findings if the proposed rule becomes final would be **2,740 hours** (274 permit and permit revision applications received by state regulatory authorities with activities in buffer zones x 10 hours per application).

Therefore, the total annual burden for all respondents would be **5,520 hours** (2,780 hours for permit applicants + 2,740 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$600 (10 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$166,800** (\$600 per application x 278 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review the applications that they receive would total **\$123,300** (\$45 per hour x 10 hours per application x 274 applications per year).

Total annual labor costs for all respondents would be **\$290,100** (\$166,800 for permit applicants + \$123,300 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application would average \$100, which translates to a total cost of **\$27,800** for all applicants (278 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (27) of the 274 surface mine permit and permit revision applications approved by state regulatory authorities each year for activities in or within 100 feet of waters of the United States. The cost of this review is **\$12,150** (27 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that each year we will process 4 surface mine permit and permit revision applications that involve activities in or near waters of the United States. We will need 10 hours to review each application to ensure compliance with section 780.28. The cost of that review is **\$1,800** (4 applications x 10 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$13,950** (\$12,150 oversight costs + \$1,800 permitting costs).

15. There are currently no hours approved for this section, which does not yet exist. If the proposed rule becomes final, this programmatic change will be transferred from 30 CFR 816.57 to this section, as shown below:

0 hours currently approved
+ 5,520 hours because of a programmatic change (transfer from section 816.57)
5,520 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.29***

A. Justification.

1. The regulations at 30 CFR 780.29, which require that the permit application include designs for all stream-channel and other diversions, are derived from section 508(a)(5) of SMCRA, which requires that the application include a plan for the control of surface water drainage, and section 508(a)(13) of SMCRA, which requires that the application include a detailed description of measures to be taken to ensure the protection of surface water systems.
2. The regulatory authority uses the information provided under this section to ensure that mining operations are designed to protect the hydrologic balance and safely control surface runoff.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 16 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **3,712 hours** (232 applications x 16 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **1,140 hours** (228 permit applications received by state regulatory authorities x 5 hours per application).

Therefore, the total annual burden for all respondents is **4,852 hours** (3,712 hours for permit applicants + 1,140 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$960 (16 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$222,720** (\$960 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$51,300** (\$45 per hour x 5 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$274,020** (\$222,720 for permit applicants + \$51,300 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$150, which translates to a total cost of **\$34,800** for all applicants (232 applications x \$150 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$4,140** (23 permit applications x 4 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 5 hours to review each application to ensure compliance with section 780.29. The cost of that review is **\$900** (4 applications x 5 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$5,040** (\$4,140 in oversight costs + \$900 in permitting costs).

15. There are currently 16,425 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making several adjustments that will reduce the burden. The first is a decline in the number of permit applications received from 255 to 232 per year. The second is a decrease in the time that regulatory authorities need to review this information from 30 hours per application to 5 hours per application. The third is a decrease in the time that permit applicants need to prepare this information from 35 hours per application to 16 hours per application. These adjustments will decrease the burden by 11,573 hours, as shown:

$$\begin{array}{r} 16,425 \text{ hours currently approved} \\ - \underline{11,573 \text{ hours due to an adjustment}} \\ 4,852 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.31***

A. Justification.

1. The regulations at 30 CFR 780.31 require the permit applicant to describe measures that will be taken as part of the proposed surface coal mining operations to prevent or minimize adverse impacts to publicly owned parks and places listed on the National Register of Historic Places, as required by section 522(e)(3) of SMCRA.
2. This information will enable the regulatory authority to determine whether the operation has been designed to meet the requirements of section 522(e)(3) of SMCRA, which prohibits surface coal mining operations that will have adverse effects on publicly owned parks or places listed on the National Register of Historic Places unless the agency with jurisdiction over the park or place grants joint approval or the applicant has valid existing rights.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
24946. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). Based on previous studies, we estimate that, on an annual basis, no more than 5% (12) of those applications will include the information required by this section. We estimate that preparing that information will require 11 hours. Therefore, the annual burden to permit applicants for compliance with this section totals **132 hours** (12 applications containing this information x 11 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **55 hours** (11 permit applications received by state regulatory authorities and containing this information x 5 hours per application).

Therefore, the total annual burden for all respondents is **187 hours** (132 hours for permit applicants + 55 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$660 (11 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$7,920** (\$660 per application x 12 applications per year). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$2,475** (\$45 per hour x 5 hours per application x 11 applications containing this information received by state regulatory authorities per year).

Total annual labor costs for all respondents are **\$10,395** (\$7,920 for permit applicants + \$2,475 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application for items such as equipment, copying, and travel to the minesite and other locations will average \$550, which translates to a total non-labor cost of **\$6,600** (12 permit applications per year x \$550).

b. Operation, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government.

As part of our oversight responsibilities, we will review 10% (1) of the 11 surface mine permit applications approved by state regulatory authorities each year that contain the information required by this section. The cost of that review is **\$135** (1 permit application x 3 hours to review each application x \$45 per hour)

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. We estimate that each year we will review at most one surface mine permit application that contains the information required by this section. We will need 5 hours to review that application to ensure compliance with section 780.31. The cost of that review is **\$225** (1 application x 5 hours per application x \$45 per hour).

Thus, the total annual cost to the Federal government for this section is **\$360** (\$135 oversight costs + \$225 permitting costs).

15. There are currently 4,305 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making several adjustments that will reduce the burden. The first is a reduction in the percentage of permit applications that include this information (10%, down from 100%). The second is a decline in the number of permit applications received from 255 to 232. The third is a decrease in the time that regulatory authorities need to review this information from 6 hours per application to 5 hours per application. These adjustments will decrease the burden by 4,118 hours, as shown below:

$$\begin{array}{r} 4,305 \text{ hours currently approved} \\ - \quad 4,118 \text{ hours due to adjustments} \\ \hline 187 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.33***

A. Justification.

1. The regulations at 30 CFR 780.33, which require that the permit application include a description of the measures to be taken to protect the interests of the public and affected landowners when mining is to take place within 100 feet of a public road or when a public road is to be relocated, implement, in part, section 522(e)(5) of the Act, which requires that the regulatory authority ensure the protection of the public and affected landowners in those situations.
2. The regulatory authority uses the information collected under this section to fulfill its responsibilities to protect the public and affected landowners under section 522(e)(5) of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us). Based on prior studies, we estimate that the requirements of this section apply to 45% (104) of those applications. Based on discussions with industry representatives, we also estimate that it requires 8 hours to complete this portion of the application. Therefore, the annual burden to permit applicants for compliance with this section totals **832 hours** (104 applications x 8 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **306 hours** (102 permit applications containing this information received by state regulatory authorities x 3 hours per application).

Therefore, the total annual burden for all respondents is **1,138 hours** (832 hours for permit applicants + 306 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$480 (8 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$49,920** (\$480 per application x 104 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$13,770** (\$45 per hour x 3 hours per application x 102 applications received by state regulatory authorities per year that contain this information).

Total annual labor costs for all respondents are **\$63,690** (\$49,920 for permit applicants + \$13,770 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$5,200** for all applicants (104 applications x \$50 per application).

b. Operation, Maintenance, and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government

As part of our oversight responsibilities, we will review 10% (10) of the 103 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$900** (10 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data and prior studies, we estimate that we will process 2 surface mine permit application each year (45% of the 4 applications that we received in FY 2006) in that capacity and that we will need 3 hours to review each application to ensure compliance with section 780.33. The cost of that review is **\$270** (2 applications x 3 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$1,170** (\$900 oversight costs + \$270 permitting costs).

15. There are currently 1,770 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making several adjustments that, taken together, will reduce the burden. The first is a reduction in the percentage of permit applications that include this information (45%, down from 100%). The second is a decline in the number of permit applications received from 255 to 232 per year. The third is an increase in the time that permit applicants need to prepare this information from 4 hours per application to 8 hours per application. These adjustments will decrease the burden by 632 hours, as shown below:

$$\begin{array}{r} 1,770 \text{ hours currently approved} \\ - \quad \underline{632 \text{ hours due to adjustments}} \\ 1,138 \text{ hours requested} \end{array}$$

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.35***

A. Justification.

1. The regulations at 30 CFR 780.35, which establish permit application requirements for the disposal of excess spoil from surface mines, reflect the requirement in section 508(a)(5) of SMCRA that the permit application include a statement of the engineering techniques to be used in mining and reclamation, as well as a description of how the operation will comply with each requirement of section 515. Paragraph (b)(22) of section 515 addresses the disposal of excess spoil.

We intend to propose revisions to 30 CFR 780.35. The new provisions would require that the mining operation be designed to minimize the creation of excess spoil and that the designed cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. They also would require the applicant to consider a reasonable range of alternatives with respect to excess spoil disposal and, to the extent possible, require selection of the alternative with the least overall adverse environmental impact. The authority for the proposed rules is derived from paragraphs (b)(10)(B)(i) and (b)(24) of section 515 of SMCRA, which require that, to the extent possible, surface coal mining operations use the best technology currently available to prevent additional contributions of suspended solids to streamflow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.

2. The regulatory authority uses the existing geotechnical investigation and fill design requirements of this section to ensure that excess spoil is disposed of safely in a stable manner. If the proposed rule is adopted, the regulatory authority will use the new provisions to ensure that excess spoil is disposed of with a minimum of adverse environmental impacts.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.

11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

We are proposing to revise 30 CFR 780.35 to require that all proposed surface coal mining operations be designed to minimize the creation of excess spoil and that the designed cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. Based on responses from the persons in item 8, we estimate that these requirements would add one hour to the burden for permit applicants for each application and one hour to the burden for regulatory authorities to review a permit application to which the new requirements would apply.

The proposed rules also would require that each applicant proposing to dispose of excess spoil consider a reasonable range of alternatives with respect to excess spoil disposal, evaluate their environmental impacts, and, to the extent possible, select the alternative with the least overall adverse environmental impact. The persons listed in item 8 indicate that these proposed new requirements would not add to the burden for the permit applicant because that information is already being collected and provided under a different law—sections 401 and 404 of the Clean Water Act. However, the state regulatory authority respondents in item 8 estimate that regulatory authority review of the new material submitted in the permit application would add 6 hours to the burden of the regulatory authority for each application that includes disposal of excess spoil.

According to studies completed for the proposed rule and associated documents, more than 98% of all excess spoil fills are located in Kentucky, Virginia, and West Virginia. Using data provided by the persons in item 8, Kentucky reports that in 2006 it issued 77 permitting actions (new permits, revisions, and amendments) involving excess spoil fills on surface mines, while West Virginia reports issuing an average of 45 such actions annually in recent years. According to our FY 2006 annual oversight evaluation reports, Virginia and West Virginia issued nearly equal numbers of permits for surface mines in FY 2006, so we will use the same numbers for Virginia as West Virginia; i.e., we estimate that Virginia also issues an average of 45 permitting actions each year involving excess spoil fills on surface mines. We also estimate that a total of 3 permitting actions in other states (including 2 by OSM in Tennessee) will involve excess spoil fills on surface mines. Using these numbers, we estimate that we and the states will issue an average of 170 permitting actions (new permits, amendments, and major revisions) per year approving excess spoil fills on surface mines (77 in Kentucky + 45 in West Virginia + 45 in Virginia + 3 in other states).

Prior consultations with industry representatives indicate that each applicant will need 32 hours to prepare the information required by 30 CFR 780.35, exclusive of the new information required by the proposed rule. (As a point of reference to explain the difference in unit burden hours from the corresponding underground mine permitting

rules at 30 CFR 784.19, Kentucky data show that each permitting action includes an average of three excess spoil fills. The vast majority of excess spoil fills are located on surface mines.) As discussed above, the new requirements would add one hour to that burden, exclusive of the information that applicants are already preparing and submitting under a different law (the Clean Water Act). Consequently, a permit applicant would need a total of 33 hours to collect the information required under 30 CFR 780.35, as revised by the proposed rule. Therefore, the total annual burden to permit applicants for compliance with this section would be **5,610 hours** (170 applications x 33 hours per application).

As discussed above, the burden for state regulatory authorities to review the information submitted under this section would increase by 7 hours per application if the proposed rule becomes final, for a total average review burden of 25 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 780.35 if the proposed rule becomes final would be **4,200 hours** (168 permit and permit revision applications received by state regulatory authorities with proposed excess spoil fills x 25 hours per application).

Therefore, the total annual burden for all respondents would be **9,810 hours** (5,610 hours for permit applicants + 4,200 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$1,980 (33 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$336,600** (\$1,980 per application x 170 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review the applications that they receive would total **\$189,000** (\$45 per hour x 25 hours per application x 168 applications per year).

Total annual labor costs for all respondents would be **\$525,000** (\$336,600 for permit applicants + \$189,000 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, which translates to a total cost of **\$85,000** for all applicants (170 applications x \$500 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (17) of the 168 surface mine permitting applications containing excess spoil fills approved by state regulatory authorities each year. The cost of this review is **\$7,650** (17 permit and permit revision applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that each year we will process 2 surface mine permit applications containing excess spoil fills and that we will need 25 hours to review each application to ensure compliance with section 780.35. The cost of that review is **\$2,250** (2 applications x 25 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$9,900** (\$7,650 oversight costs + \$2,250 permitting costs).

15. There are currently 12,660 hours approved for this section. Because of a programmatic change in the proposed rule, we anticipate that the burden for permit applicants will increase by one hour per application for a total of 170 hours for all applications, while the programmatic change will increase the burden for state regulatory authorities by 7 hours per application for a total of 1,176 hours (7 hours x 168 applications) to review all applications. At the same time, we estimate that the burden will decrease by 4,196 hours because the number of applications with excess spoil fills submitted each year has declined from 255 to 170. Therefore, the net burden will decrease by 2,850 hours, as shown below:

	12,660 hours currently approved
+	1,346 hours because of a programmatic change
-	<u>4,196</u> hours because of a reduction in use
	9,810 hours requested

16. See list of items with identical responses.
17. See list of items with identical responses.
18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 780.37***

A. Justification.

1. The regulations at 30 CFR 780.37, which specify permit application requirements for road designs, are derived from the fact that section 701(28) of SMCRA defines surface coal mining operations as including roads and section 515(b)(18) of SMCRA requires that operators refrain from constructing roads in or near streams.
2. The regulatory authority uses the design requirements for roads in 30 CFR 780.37 to ensure that surface mining permits adhere to the requirements of the Act with respect to surface coal mining operations in general and road placement in particular.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 25 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **5,800 hours** (232 applications x 25 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **2,280 hours** (228 permit applications received by state regulatory authorities x 10 hours per application).

Therefore, the total annual burden for all respondents is **8,080 hours** (5,800 hours for permit applicants + 2,280 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$1,500 (25 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$348,000** (\$1,500 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$102,600** (\$45 per hour x 10 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$450,600** (\$348,000 for permit applicants + \$102,600 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$11,600** for all applicants (232 applications x \$50 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$5,175** (23 permit applications x 5 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 10 hours to review each application to ensure compliance with section 780.37. The cost of that review is **\$1,800** (4 applications x 10 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$6,975** (\$5,175 oversight costs + \$1,800 permitting costs).

15. There are currently 8,875 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to reflect a decline in the number of permit applications from 255 per year to 232 per year. That adjustment will decrease the burden by 795 hours, as shown below:

8,875 hours currently approved
- 795 hours due to an adjustment in the number of respondents
8,080 hours requested in OMB Form 83-I

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

- See list of items with identical responses.

***Supporting Statement of Reporting Requirements of
Section 780.38***

A. Justification.

1. The regulations at 30 CFR 780.38, which require that the permit application include designs for support facilities consistent with the performance standards for those facilities at 30 CFR 816.181, reflect this requirement. The performance standards at 30 CFR 816.181 are derived from the sedimentation control and fish and wildlife protection requirements of sections 515(b)(10) and (24) of SMCRA.
2. The regulatory authority uses the information provided under this section to ensure that support facilities are designed to ensure compliance with performance standards.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 232 new permits for surface mines during that year (228 by the states and 4 by us), all of which must include the information required by this section. We estimate that each applicant requires 9 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **2,088 hours** (232 applications x 9 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **456 hours** (228 permit applications received by state regulatory authorities x 2 hours per application).

Therefore, the total annual burden for all respondents is **2,544 hours** (2,088 hours for permit applicants + 456 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$540 (9 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$125,280** (\$540 per application x 232 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$20,520** (\$45 per hour x 2 hours per application x 228 applications per year).

Total annual labor costs for all respondents are **\$145,800** (\$125,280 for permit applicants + \$20,520 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$23,200** for all applicants (232 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (23) of the 228 surface mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,070** (23 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review 4 surface mine permit applications each year in that capacity and that we will need 2 hours to review each application to ensure compliance with 30 CFR 780.38. The cost of that review is **\$360** (4 applications x 2 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,430** (\$2,070 oversight costs + \$360 permitting costs).

15. There are currently 3,545 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making several adjustments that will reduce the burden. The first is a decline in the

number of permit applications received from 255 to 232 per year. The second is a decrease in the time that regulatory authorities need to review this information from 5 hours per application to 2 hours per application. These adjustments will decrease the burden by 1,001 hours, as shown below:

3,545 hours currently approved
- 1,001 hours due to an adjustment
2,544 hours requested in OMB Form 83-I

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods.

See list of items with identical responses.