

Supporting Statement A
30 CFR Parts 816 and 817–Permanent Program Performance Standards for
Surface and Underground Mining Activities

OMB Control Number 1029-0047

Terms of Clearance: None

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. The Office of Management and Budget (OMB) reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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.***
 - * 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 under "Annual Cost to Federal Government."***
13. ***Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)***
 - * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and***

software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*

** Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

- 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.*
- 15. Explain the reasons for any program changes or adjustments in hour or cost burden.*
- 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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

Introduction

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are submitting this information collection clearance package to request renewal of our authority to collect information and require retention of records under 30 CFR Part 816 - Permanent Program Performance Standards—Surface Mining Activities, and 30 CFR Part 817 - Permanent Program Performance Standards—Underground Mining Activities. OMB previously reviewed and approved this consolidated collection of information and recordkeeping and assigned it clearance number 1029-0047.

The regulations in 30 CFR Part 816 set forth the minimum environmental protection performance standards for surface coal mining activities. They primarily implement section 515 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), which sets forth performance standards for surface coal mining and reclamation operations; section 517(b)(2) of SMCRA, which sets forth water monitoring requirements; and section 517(d) of SMCRA, which requires the posting of signs and markers at the minesite.

The regulations in 30 CFR Part 817 set forth the minimum environmental protection performance standards for underground coal mining operations. They primarily implement section 516 of SMCRA, which directs the Secretary to adopt performance standards for underground coal mines and includes additional requirements related to subsidence resulting from those operations; section 517(b)(2) of SMCRA, which sets forth water monitoring requirements; section 517(d) of SMCRA, which requires the posting of signs and markers at the minesite; and section 720 of SMCRA, which establishes requirements pertaining to replacement of certain water supplies adversely impacted by those operations and correction of subsidence-related material damage to protected structures.

The responses to some items in the instructions for the supporting statement are identical for each section; those responses appear on pages 8-11 of this document. Except as otherwise noted in the supporting statements for individual sections, the respondents and potential respondents consist of the coal mining entities that hold permits for, or operate mines and facilities subject to regulation under SMCRA. In the 2014 evaluation year, those entities were responsible for 6,297 permanent program inspectable units. The respondents also include 24 state regulatory authorities.

The following table summarizes the information collection requirements and changes to the current collection burden for 30 CFR Parts 816 and 817.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PARTS 816 AND 817

| Section (816/817) | Industry Responses | Industry Hours per Response | State Responses | State Hours per Response | Total Hours Requested | Currently Approved Burden Hours | Changes to Burden Hours |
|-------------------|--------------------|-----------------------------|-----------------|--------------------------|-----------------------|---------------------------------|-------------------------|
| .41 | 88,528 | 6.5 | 0 | 0 | 575,432 | 650,312 | -74,880 |
| .43 | 180 | 30 | 90 | 60 | 10,800 | 3,505 | 7,295 |
| .49 (new) | 2,148 | 41 | 0 | 0 | 88,068 | 90,816 | -2,748 |
| .49 (pre-exiting) | 17,817 | 24 | 0 | 0 | 427,608 | 307,920 | 119,688 |
| .57 | 0 | 0 | 1,167 | 40 | 46,680 | 5,210 | 41,470 |
| .62 | 8,950 | 8 | 0 | 0 | 71,600 | 94,600 | -23,000 |
| .64 | 1,859 | 4 | 0 | 0 | 7,436 | 6,028 | 1,408 |
| .67 | 250,965 | 1.2 | 0 | 0 | 301,158 | 244,134 | 57,024 |
| .71 | 7,824 | 28 | 0 | 0 | 219,072 | 238,336 | -19,264 |
| .81 | 79 | 70 | 0 | 0 | 5,530 | 560 | 4,970 |
| .83 | 5,912 | 12 | 0 | 0 | 70,944 | 57,120 | 13,824 |
| .116 | 1,529 | 80 | 2 | 240 | 122,560 | 101,800 | 20,760 |
| 817.121 | 104 | 40 | 0 | 0 | 4,160 | 460 | 3,700 |
| 817.122 | 3,378 | 1 | 0 | 0 | 3,378 | 4,128 | -750 |
| .131 | 191 | 4 | 0 | 0 | 764 | 900 | -136 |
| .151 | 358 | 24 | 0 | 0 | 8,592 | 11,352 | -2,760 |
| TOTALS | 389822 | | 1259 | | 1963782 | 1817181 | 146601 |

Notes:

1. The discharge sampling, analysis, and reporting required under the National Pollutant Discharge Elimination System (NPDES) are not counted as a burden imposed by 30 CFR 816/817.41.
2. All changes in burden hours are the result of adjustments to reflect either changes in usage or changes in the unit burden per response. The only exception is 30 CFR 816/817.57, in which case we are removing burden to industry (2,630 hours) because it duplicates requirements in 30 CFR 780 and 784 which are approved separately.

SUMMARY OF COSTS FOR 30 CFR PARTS 816/817

| Section (816/817) | Total Respondent Non-Wage Costs (\$) | Total Federal Wage Costs (\$) |
|----------------------|---|----------------------------------|
| .41 | 4,426,400 | 2,264 |
| .43 | 9,000 | 2,547 |
| .49 | 629,700 | 6,793 |
| .57 | 58,350 | 7,509 |
| .62 | 895,000 | 1,132 |
| .64 | 139,425 | 1,132 |
| .67 | 929,500 | 1,132 |
| .71 | 782,400 | 2,264 |
| .81 | 0 | 1,132 |
| .83 | 591,200 | 2,264 |
| .116 | 152,900 | 2,264 |
| 817.121 | 2,600 | 0 |
| 817.122 | 10,134 | 0 |
| .131 | 0 | 1,132 |
| .151 | 35,800 | 0 |
| TOTALS | 8662409 | 31565 |

List of Items with Identical Responses

A. Justification

3. We encourage, but do not require, the use of electronic information collection and submission techniques whenever appropriate and feasible. Generally, monitoring reports and some permit applications are prepared and submitted electronically, while engineering certifications, notification letters, newspaper notices, and preblast surveys are in paper form. We provide training, software, and technical assistance to states to promote the use of electronic information technology systems. Approximately 75% of responses are currently received electronically.
4. The information collection requirements of 30 CFR Parts 816 and 817 do not duplicate information collection requirements under other laws and regulations. OSMRE is the only federal agency charged with implementation of SMCRA with respect to performance standards for surface and underground mining activities. As required by SMCRA, our rules are structured to maximize coordination with other agencies and minimize duplication. When appropriate, our rules reference or incorporate requirements under the Clean Water Act or Mine Safety and Health Administration requirements rather than establishing separate requirements for the same purpose.
5. There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to ensure or document that mining and reclamation activities are being conducted in a manner that ensures protection of public health and safety and minimizes environmental disturbances.
6. Failure to collect the information requested under 30 CFR Parts 816 and 817, or collection at less frequent intervals, would impair the ability of OSMRE and state regulatory authorities to ensure that surface and underground coal mining operations are conducted safely and in an environmentally protective manner consistent with the purposes and requirements of the Act. Furthermore, SMCRA specifically requires submission of some of the requested information at the indicated frequency.
7. This collection of information conforms with the guidelines in 5 CFR 1320.5(d)(2); i.e., 30 CFR Parts 816 and 817 do not require that collection of information be conducted in a manner that—
 - ✓ requires respondents to report information to the agency more often than quarterly;
 - ✓ requires respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

- ✓ requires respondents to submit more than an original and two copies of any document;
- ✓ requires 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, is not designed to produce valid and reliable results that can be generalized to the universe of study;
- ✓ requires the use of a statistical data classification that has not been reviewed and approved by OMB;
- ✓ 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
- ✓ requires 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. We contacted the following state regulatory authorities and a mining consulting firm that prepares mining permit applications. We supplied a concise description of the type of information collection burden imposed by 30 CFR Parts 816 and 817, the currently approved burden, and proposed wage and nonwage burden estimates, 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 rules and potential burden.

Steve Weinzapfel, Division Director
 Indiana Department of Natural Resources
 14619 West State Road 48
 Jasonville, IN 47438
 Telephone: (812) 665-2207
 Email: sweinzapfel@dnr.in.gov

Charlie Sturey, Assistant Director
 Program Development, Coal Program West Virginia Department of Environmental Protection
 Division of Mining and Reclamation
 601 57th Street
 Charleston, WV 25304
 Telephone: (304) 926-0490
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Fred Vass
Alliance Consulting, Inc.
Beckley, WV 25801
Telephone: 304-255-0491
Email: fvass@aci-wv.com

Mr. Vass suggested revisions to the hourly burden for industry for most sections. Mr. Weinzapfel and Mr. Sturey suggested revisions to the hourly burden for the regulatory authority for most sections. Although invited to do so, respondents did not comment on the availability of data, the frequency of collection, and the clarity of instructions or the data elements reported.

On August 5, 2014, OSMRE published in the Federal Register (79 FR 445459) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSMRE provides no payments or gifts to respondents.
10. No confidential information is solicited under 30 CFR Parts 816 and 817. However, with respect to information required under other regulations, the permit applicant has the right to request confidentiality for such information as analysis 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. 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.
11. Not applicable. There are no questions of a sensitive nature.
13. OSMRE has estimated wage costs for respondents: industry and state regulatory employees. OSMRE has derived these wages from the Bureau of Labor Statistics (BLS) websites at (http://www.bls.gov/oes/current/naics4_212100.htm for industry wages, and http://www.bls.gov/oes/current/naics4_999200.htm for state employee wages. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel, and 1.5 for state employees per the BLS news release USDL-14-1673, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2014, dated September 10, 2014, (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
14. Wage costs for OSMRE employees are calculated based on the Office of Personnel Management website http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/RUS_h.pdf. We have also included a benefits factor of 1.5 for federal employees in accordance with the BLS news release USDL-14-1673.

16. Not applicable. OSMRE has no plans to publish the information collected.
17. Not applicable. OSMRE is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.
18. Not applicable. There are no exceptions to the certification statement, "Certification for Paperwork Reduction Act Submissions."

Supporting Statement for 30 CFR 816.22/817.22

These sections include one provision, 30 CFR 816/817.22(b), which have information collection implications. Under these sections, the operator must make certain demonstrations before using selected overburden materials as topsoil substitutes or supplements. However, this requirement is effectively subsumed by the permit application information requirements of 30 CFR 779/783.21(b), which requires that the results of the tests, analyses, and trials conducted under 30 CFR 816/817.22(b) be included in the permit application. Because 30 CFR Parts 779 and 783 have their own information collection authorities, we are not including a separate information collection burden estimate or request for 30 CFR 816/817.22.

Supporting Statement for 30 CFR 816.41 and 817.41

A. Justification

1. Section 517(b) of the Act provides that all mining permit holders must install, use, and maintain any necessary monitoring equipment or methods; evaluate the results of such methods; and provide such information relative to the operation as the regulatory authority deems reasonable and necessary. Our regulations at 30 CFR 816/817.41 implement these statutory requirements with respect to water monitoring. The rules require that ground and surface-water monitoring data be submitted in accordance with the monitoring plans specified in the permit application as required by 30 CFR 780.21 for surface mining and 784.21 for underground mining. Monitoring data must be submitted every 3 months or more frequently as prescribed by the regulatory authority until bond release or until the regulatory authority finds that monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan.
2. The information required under 30 CFR 816/817.41 is needed and used to monitor and determine the impact of the operation on water quality and the hydrologic balance, the protection of which is one of 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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

According to our FY 2014 annual evaluation reports, there are 4,768 active and 1,529 inactive permanent program inspectable units in the nation. We estimate that the average inspectable unit will have four sampling points for water monitoring that is not required under an NPDES permit issued under the Clean Water Act. Based on consultation with the individuals listed in the response to item 8, we estimate that water monitoring will occur on all active sites and on 50% of all inactive sites. Therefore, we estimate that mine operators will have a total of **88,528 samples taken and analyzed** annually (rounded) [(4,768 active operations + 0.5 x 1,529 inactive sites) x 4 sampling points per operation x 4 samples taken per sampling point per year].

We estimate that sampling and analysis will require an average of **6.5 hours** per sample. The total burden for all respondents would be **575,432 hours** (rounded) (88,528 samples taken and analyzed per year x 6.5 hours per sample).

Regulatory authority personnel are not required to review water monitoring reports apart from the inspections conducted under 30 CFR 840.11 and 842.11, which have their own information collection budgets. Therefore, there is no information collection burden to state regulatory authorities under 30 CFR 816/817.41.

b. Estimated Annual Wage Cost to Respondents

OSMRE has estimated the wage cost as follows, including benefits (see item 13, page 10, for an explanation):

| Industry Wage Cost | | | |
|--------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Hydrologist | \$53.35 | 90% | \$48.02 |
| Operations Manager | \$81.63 | 10% | \$8.16 |
| Total | | 100 | 56.18 |

At an average cost of \$56.18 per hour, the estimated total annual cost for industry respondents to comply with 30 CFR 816/817.41 is 575,432 hours x \$56.18 = \$32,327,769.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.41 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.41 at \$50 per sample, for a total annual cost of **\$4,426,400** (88,528 samples per year x \$50 per sample). These costs consist primarily of sampling supplies, analysis costs, and fuel and equipment maintenance expenses for travel to the mine.

There are no non-wage operation and maintenance costs for the regulatory authority under these sections other than those associated with customary and usual business practices for a regulatory program.

14. Estimate of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.41. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/hydrologist reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$2,264.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Regulatory authority personnel are not required to review water monitoring reports apart from the inspections conducted under 30 CFR 840.11 and 842.11, which have their own information collection budgets. Therefore, there is no information collection burden to OSMRE under 30 CFR 816/817.41.

Total Federal Cost

| | |
|-------------------|--------------------|
| \$ 2,264 | Oversight |
| + \$ <u> 0</u> | Federal programs |
| \$ 2,264 | Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.41 is 650,312 hours. We are now requesting 575,432 burden hours for these sections, a decrease of 74,880 hours as a result of an adjustment to reflect a decrease in usage.

650,312 hours currently approved by OMB
- 74,880 hours due to an adjustment (decrease in usage)
575,432 hours requested

The currently approved non-wage cost burden for 30 CFR 816/817.41 is \$5,002,400. As a result of a reduction in use, we have revised that estimate to \$4,426,400, a reduction of \$576,000.

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

Supporting Statement for 30 CFR 816.43 and 817.43

A. Justification

1. This section includes two provisions with information collection implications.

Under the first, 30 CFR 816/817.43(b)(1), the regulatory authority must find, as a prerequisite for approval of diversions of intermittent or perennial streams within the permit area, that the stream-channel diversion has been located and designed to minimize adverse impacts on fish, wildlife, and related environmental values to the extent possible, using the best technology currently available. This requirement is consistent with sections 515(b)(24) and 516(b)(11) of the Act, which contain similar language concerning the protection of fish, wildlife, and related environmental values.

Under the second provision, 30 CFR 816/817.43(b)(5), a qualified registered professional engineer must separately certify both the design and construction of all stream-channel diversions of perennial and intermittent streams. The design certification must certify that the design meets the design requirements of 30 CFR 816/817.43 and any design criteria established by the regulatory authority. The construction certification must certify that the stream-channel diversion meets all construction requirements of 30 CFR 816/817.43 and is in accordance with the approved design. The statutory authority for these regulations resides in the hydrologic protection requirements of sections 515(b)(10) and 516(b)(9) of SMCRA; the fish, wildlife, and related environmental value protection requirements of sections 515(b)(24) and 516(b)(11) of SMCRA; and section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act.

2. The findings that the regulatory authority must make before approving a stream-channel diversion are needed to ensure that consideration has been given to the environmental protection requirements of the Act. Regulatory authorities rely in part upon the certification requirements of 30 CFR 816/817.43 to ensure that stream-channel diversions are designed in accordance with all applicable requirements and are constructed in accordance with approved plans to be stable and environmentally sound.
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. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

We estimate that approximately 25% of all new permits and permit revisions adding acreage include temporary or permanent diversions of perennial and intermittent streams. According to our FY 2014 annual evaluation reports, 358 permits and revisions of that nature were issued nationwide during that year (all but 1 in states with primacy), which means that state and federal regulatory authorities approve approximately 90 stream-channel diversions each year. Based on information supplied by the Industry respondent listed in item 8, we estimate that a qualified registered professional engineer will require an average of 30 hours to certify the design and construction of each permanent stream-channel diversion under 30 CFR 816/817.43(b)(5) (which includes the requisite field surveying). The difference in burden between design and construction certifications is a result of the fact that most of the work for design certifications is included in the burden for the permitting requirements for stream-channel diversions plus the need for field surveying to complete the construction certification.

State and federal regulatory authorities approve approximately 90 stream-channel diversions each year, each of which requires both a design and a construction certification for the diversion if the diversion is permanent or temporary. Therefore, we estimate that the annual information collection burden on mine operators and permit applicants for preparation of stream-channel diversion certifications under 30 CFR 816/817.43(b)(5) will total **5,400 hours** [90 permanent stream-channel diversions per year x (1 design certification per diversion x 30 hours per certification + one construction certification per diversion x 30 hours per certification)].

We estimate that the regulatory authority will need an average of 60 hours, based on information supplied by the regulatory authority listed in item 8, to prepare the finding required under 30 CFR 816/817.43(b)(1) to approve the diversion. Therefore, we estimate that the annual information collection burden on the 24 state regulatory authorities for 30 CFR 816/817.43(b)(1) will total **5,400 hours** (90 stream-channel diversions approved per year x 60 hours per finding per diversion).

Design certification reports for stream-channel diversions do not require regulatory authority review apart from the normal permit application review process, which has its own information collection budget. Construction certification reports do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11 and 30 CFR 842.11, which also have their own information collection budgets. Therefore, there is no information collection burden for state regulatory authorities under 30 CFR 816/817.43(b)(5).

Thus, the total information collection burden for 30 CFR 816/817.43 is **10,800 hours** (5,400 hours for mine permit applicants and operators + 5,400 hours for state regulatory authorities).

b. Estimated Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Administrative Support | \$22.83 | 5% | \$1.14 |
| Engineering Technician | \$39.09 | 50% | \$19.55 |
| Mining Engineer | \$58.60 | 40% | \$23.44 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 48.21 |

At an average cost of \$48.21 per hour, the estimated total annual cost for industry respondents is $5,400 \times \$48.21 = \$260,334$.

In addition, it takes 5,400 hours for state regulatory authorities to prepare the findings for temporary or permanent stream-channel diversions under this section. Using BLS statistics for state employee engineering technicians with benefits as indicated in item 13, page 10, we estimate that the wage cost is \$37.16 per hour including benefits. Therefore, the estimated total annual wage cost for state regulatory authorities to prepare the findings under 30 CFR 816/817.43(b)(1) is $\$37.16 \text{ per hour} \times 5,400 \text{ hours} = \$200,664$.

Therefore, we estimate that the total annual wage cost for all respondents will be $\$260,334 \text{ for industry} + \$200,664 \text{ for state regulatory authorities} = \$460,998$.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.43 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

Based on consultation with the persons listed in item 8, we estimate miscellaneous non-wage operation and maintenance costs to mine permit applicants and operators for compliance with the information collection requirements of 30 CFR 816/817.43(b)(5) at \$100 per construction certification, for a total annual cost of **\$9,000** (90 construction certifications per year x \$100 per certification). These costs consist primarily of fuel and equipment maintenance expenses for travel to the mine, drafting and office supplies, and copying expenses. There are no unique non-wage operation and maintenance costs associated with design certifications, which, as noted by one of the persons listed in item 8, cannot easily be separated from preparation of the design itself, which is a usual and customary business expense.

There also are no unique non-wage operations and maintenance costs associated with the findings that the regulatory authority must make for 30 CFR 816/817.43(b)(1).

14. Estimate of Annualized Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.43. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$2,264.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. As noted in item 12.a. above, we estimate that we approve one stream-channel diversion each year in states and on lands for which we are the regulatory authority. As also noted in item 12.a., each approval requires a finding that involves an average of 5 hours of staff time. At an average salary of \$56.61 per hour, the annual wage cost to the federal government to prepare the finding would be \$283 (1 diversion x 5 hours to prepare the finding x \$56.61 per hour).

Total Federal Cost

\$ 2,264 Oversight
+ \$ 283 Federal programs

\$ 2,547 Total federal cost

15. The current OMB-approved information collection burden for 30 CFR 816/817.43 is 3,505 hours. We are now requesting 10,800 burden hours for these sections, an increase of 7,740 hours as a result of adjustments based on consultation with the persons listed in item 8. The adjustments are the result of an increase in the estimated burden for Industry to prepare the certifications and for regulatory authorities to approve proposed diversions of perennial and intermittent streams (an increase from 5 to 60 hours).

3,505 hours currently approved by OMB
+ 7,295 hours due to adjustments

10,800 hours requested

This request does not change the currently approved non-wage cost burden for 30 CFR 816/817.43 of \$9,000.

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

Supporting Statement for 30 CFR 816.46 and 817.46

These sections include a provision at 30 CFR 816/817.46(b)(3) with information collection implications. Under that provision, a qualified registered professional engineer or qualified registered professional land surveyor must certify, upon completion of construction, that a siltation structure has been constructed as designed and approved. Since virtually all siltation structures are impoundments, this requirement is effectively subsumed by the impoundment certification requirements of 30 CFR 816/817.49(a)(11), which has its own information collection budget. Therefore, we are not including a separate information collection burden estimate for 30 CFR 816/817.46.

Supporting Statement for 30 CFR 816.49 and 817.49

A. Justification

1. Section 515(b)(8)(B) of the Act requires that permanent water impoundments constructed as part of surface mining operations be stable with an adequate margin of safety compatible to that required for dams constructed under P.L. 83-566, the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006). Although sedimentation ponds are not permanent structures, section 515(b)(10)(B)(ii) of SMCRA requires a certification by a qualified registered engineer or a qualified registered professional land surveyor in any state which authorizes land surveyors to prepare and certify such maps or plans that the sedimentation pond was constructed as designed and as approved in the reclamation plan. Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. The regulations at 30 CFR 816/817.49 implement these statutory provisions in part.

Under 30 CFR 816/817.49(a)(11), inspections must be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond. After each inspection, the qualified registered professional engineer or a qualified registered professional land surveyor must promptly prepare and provide to the regulatory authority a certified report on the conditions of the structure. In addition; a copy of the report must be maintained at or near the mine.

2. The inspections and reports required under 30 CFR 816/817.49(a)(11) are intended to ensure that the impounding structure is constructed in accordance with the approved design plan and will not present a hazard to the public because of unsafe construction practices or lack of proper maintenance. Both the operator and the regulatory authority use the information in the report to ensure the safety and stability of the impounding structure. Without the report, monitoring the condition and safety of the impounding structure would be difficult, and persons might not be aware of changing conditions of the structure or when it may become a hazard to the health and safety of the public.
3. See list of items with identical responses.
4. The Mine Safety and Health Administration requires the inspection and monitoring of impounding structures in the requirements of 30 CFR 77.216-3(a). Information from these inspections may be incorporated into the certified report, along with the additional information that is required by this regulation.
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. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

Under 30 CFR 816/817.49(a)(11)(i), every impoundment must be inspected regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond. For most mines, this requirement equates to a minimum of one inspection per impoundment per year. However, for newly approved impoundments, this rule requires a minimum of two inspections during the year in which the impoundment is constructed (at least one during construction and one upon completion of construction). The rule also requires preparation of a certified report following the inspection of each impoundment. Based on consultation with the persons listed in item 8, we estimate that conducting the inspection and preparing the certified report for new impoundments will require an average of 41 hours, while inspecting and certifying an existing completed impoundment will require an average of 24 hours.

Our FY 2014 annual evaluation reports indicate that OSMRE and the states annually issue a total of 358 new permits and permit revisions that add acreage. These are the sites that would contain new impoundments. In addition, the annual reports show a total of 6,297 inspectable units in active or inactive status. Subtracting the 358 new permits indicates that there are approximately 5,939 existing inspectable units. Based on our experience and consultation with the persons listed in item 8, we estimate that each new permit and inspectable unit includes an average of 3 impoundments.

The estimated annual information collection burden associated with inspection and certification during construction and upon completion of construction of impoundments after issuance of a new permit or permit revision adding acreage totals **88,068 hours** (358 new permits and revisions x 3 impoundments per permit or revision x 2 certified inspection reports per impoundment x 41 hours per report). The estimated annual burden associated with the annual inspection and certification of impoundments on inspectable units other than new permits and revisions totals **427,608 hours** (5,939 existing

inspectable units x 3 impoundments per inspectable unit x 1 certified report per impoundment x 24 hours per report).

Therefore, we estimate that the total annual burden for operators under these sections is **515,676 hours** (88,068 hours for new permits and revisions + 427,608 hours for all other inspectable units).

Impoundment certification reports do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11, which has its own information collection budget. Therefore, there is no information collection burden for regulatory authorities under 30 CFR 816/817.49.

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Engineering Technician | \$39.09 | 70% | \$27.36 |
| Mining Engineer | \$58.60 | 20% | \$11.72 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 43.16 |

At an average cost of \$43.16 per hour, the estimated total annual cost for industry respondents is 515,676 hours x \$43.16= \$22,256,576.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.49 do not involve any capital or start-up costs unique to these requirements. Similarly, the recordkeeping requirements for regulatory authorities under this section do not require regulatory authorities to obtain unique or additional equipment or supplies. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.49 at \$100 per inspectable unit per year, for a total annual cost of **\$629,700** (6,297inspectable units x \$100 per inspectable unit). These costs consist primarily of fuel and vehicle maintenance expenses for travel to the mine site, office supplies, and copying and postage expenses for providing the regulatory authority with a copy of the certified reports.

Non-wage recordkeeping costs to state regulatory authorities are insignificant because the reports are filed as part of the records that must be maintained for 30 CFR 840.14, which has its own information collection budget.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.49. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 120 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation):

The annual cost to OSMRE for this oversight activity is estimated to be \$6,793.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Impoundment certification reports do not require regulatory authority review apart from the inspections conducted for 30 CFR 842.11, which has its own information collection budget. Therefore, there is no federal program information collection burden under 30 CFR 816/817.49.

Total Federal Cost

| | | |
|---|----------|--------------------|
| | \$ 6,793 | Oversight |
| + | \$ 0 | Federal programs |
| | \$ 6,793 | Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.49 is 398,736 hours. We are now requesting 515,676 burden hours for these sections, an increase of 116,940 hours as a result of adjustments to reflect both an increase in usage and, based on consultation with the persons listed in item 8, an increase of 6 hours in the burden needed to prepare the average impoundment inspection and certified report for existing operations, and an increase of 23 hours in the average burden needed to complete

each impoundment inspection and certified report required during the first year for new permits).

398,736 hours currently approved by OMB
+ 116,940 hours due to adjustments (increases in both usage and unit burdens)
515,676 hours requested

The currently approved non-wage cost burden for 30 CFR 816/817.49 is \$688,800. As a result of consultation with the persons listed in item 8, we have revised that estimate to **\$629,700** to reflect unit costs of \$100 per certification.

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

Supporting Statement for 30 CFR 816.57 and 817.57

A. Justification

1. Sections 816/817.57 prohibit mining activities from disturbing land within 100 feet of an intermittent or perennial stream unless the regulatory authority specifically authorizes those activities closer to or through the stream. The regulations provide that the regulatory authority may authorize such activities only after making a finding that the activities will not adversely affect water quantity and quality or other environmental resources of the stream, among other things.

The primary statutory authority for these regulations are sections 515(b)(10) and 515(b)(24) of SMCRA, which provides that mines must minimize disturbances and adverse impacts on fish, wildlife, and related environmental values. Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, provides additional authority for collection of the information required by these sections. The courts have upheld this rule as properly implementing the environmental protection goals of the Act.

2. Regulatory authorities use this finding and its underlying analyses to help protect streams and related environmental resources from adverse mining-related 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. Estimated Information Collection Burden

a. Estimate of respondents reporting burden

As a general matter, surface mining is prohibited within 100 feet of an intermittent or perennial stream. However, a regulatory authority may approve a waiver to this requirement to maintain a 100-foot buffer zone if it can be shown that the mining activities will not cause or contribute to the violation of applicable state or federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream.

Typically, the surface mining activities that on occasion, by necessity, must encroach within 100 feet of an intermittent or perennial stream include: Coal extraction, stream diversions, sedimentation ponds, excess spoil fills, face-up fills, coal refuse fills / impoundments, preparation plants, roads, and rail spurs. The regulatory authority must make a finding on each variance; so, one mining operation will require multiple demonstrations or in some cases none at all.

We estimate based on our experience that 50 percent of all newly issued mine permits will involve extraction of coal within a stream buffer zone and/or will require construction of a stream channel diversion or sedimentation pond. In addition, it is estimated that 20 percent of all active existing surface mines will expand and encroach into the buffer zone to extract coal and/or to construct a stream channel diversion.

In FY 2014, regulatory authorities issued a total of 358 new mine permits. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that, each year, 179 newly permitted mines will extract coal and/or construct a stream channel diversion. In 2014, 2,466 surface mines were actively extracting coal in the United States. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that each year 493 existing coal mines will extend their operations to extract coal within the buffer zone and/or to construct a stream channel diversion. Hence, we estimate that, each year, operators will encroach into the stream buffer zone about 672 times to extract coal and/or to construct stream channel diversions or sedimentation ponds.

In addition, coal operators encroach into the buffer zone to construct excess spoil, face up fills, or refuse fills. Based on an OSMRE inventory of fills constructed in the central Appalachian coal field (eastern Kentucky, Tennessee, Virginia, and southern West Virginia), the number of fills built per year average 393 fills on 119 permits. Of these fills, about 85 percent are excess spoil fills, 10 percent are face-up fills, and 5 percent are for refuse fills. We assume that all of these 393 fills encroach into the stream buffer zone. Note that this data only depicts the fills built in the steep terrain in central Appalachian coalfields, where almost all of the excess spoil fills are constructed and fill placement locations are limited to valleys and floodplains near to perennial or

intermittent streams. We estimate that outside of the central Appalachian coalfields, about 30 additional fills will be constructed annually in stream buffer zones. This will increase our total stream buffer zone encroachment attributed to fill to 423 (393 annually in central Appalachia + 30 outside of central Appalachia).

Another set of mining activities that encroach into the buffer zone includes the construction of haulage roads, rail spurs, and preparation plants. We estimate that about 20 percent of all new surface and underground mining permits will contain these activities that will encroach into the stream buffer zone. In FY 2014, regulatory authorities issued a total of 358 new mine permits; therefore, applying our assumption, we estimate 72 newly permitted mines will construct a haul road, rail spur, or preparation plant within the stream channel buffer zone.

The grand total of annual stream buffer zone incursions is 1,167 (672 to extract coal and/or to construct channel diversion or sedimentation ponds + 423 to construct excess spoil, face-up, or refuse fills + 72 to construct haul roads, rail spurs, or preparation plants). Based on discussions with those identified in item 8, we estimate that each stream buffer zone finding will require 40 hours to prepare. Therefore, we estimate that the annual burden for state regulatory authorities to comply with the information collection requirements of 30 CFR 816/817.57 will total **46,680 hours** (1,167 findings per year x 40 hours per finding).

There is no burden for mine permittees under this section. Such variances would be associated with the permit application found in Parts 780 and 784 which has separate OMB approvals.

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$62.18 for a state mining engineer per hour, we estimate that the annual wage cost to state regulatory authorities to comply with the information collection requirements of 30 CFR 816/817.57 is **\$2,899,295** [46,680 hours (from item 12.a.) x \$62.11 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.57 do not involve any expertise, capital or start-up costs that are unique to these requirements or that differ from those required for review of other permit application requirements. Therefore, we are not assigning any capital or start-up costs to the collection burden for this section.

b. Operation and Maintenance Costs

We estimate that non-wage operation or maintenance costs (mostly fuel and equipment maintenance expenses) for compliance with the information collection requirements of 30 CFR 816/817.57 average \$50 per finding, for a total of **\$58,350** (1,167 findings per year x \$50 per finding).

14. Estimate of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.57 in the absence of any indication of problems. However, assuming that OSMRE conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the federal government for this oversight function is an estimated **\$2,264** [40 hours x \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits)].

Federal Programs: OSMRE processes all permit applications for federal programs and on federal lands not totally administered by a state under a cooperative agreement. In our experience, we need an average of 30 hours to make each stream buffer zone finding. At an average salary of \$56.61 per hour, the annual wage cost to the federal government to make these findings is **\$5,095** (3 findings per year x 30 hours per finding x \$56.61 per hour). Annual non-wage costs average \$50 per finding for a total non-wage cost of **\$150** (3 findings per year x \$50 per finding). Hence, the total annual federal program cost is an estimated **\$5,245** (\$5,095 for wages + \$150 for non-wage costs).

Total Federal Cost:

| | | |
|---|----------|--------------------|
| | \$ 2,264 | Oversight |
| + | \$ 5,245 | Federal Programs |
| | \$ 7,509 | Total federal Cost |

15. The information collection requirements for 30 CFR 816/817.57 were previously approved by OMB for 5,210 hours. OSMRE erroneously included a burden for permit applicants of 2,630 hours for these sections which is duplicative of the requirements in 30 CFR 780 and 784. Therefore, we are removing industry burden for these sections. In addition, in this collection, OSMRE has reestimated the number of stream buffer zone findings for new mine sites and active mine sites that regulatory authorities must make. Therefore, OSMRE is seeking approval for 46,680 hours as the following table shows:

| | | |
|---|--------|--|
| | 5,210 | hours currently approved by OMB |
| - | 2,630 | hours due to program change (removing industry burden) |
| + | 44,100 | hours due to adjustments |
| | 46,680 | hours requested |

The currently approved non-wage cost burden for 30 CFR 816/817.57 is \$26,300 for industry. As discussed above, industry burden is associated with permit applications and has been approved in 30 CFR 780/784. However, there is a non-wage cost to state regulatory authorities not previously reported of \$58,350 to reflect unit costs of \$50 per finding.

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

Supporting Statement for 30 CFR 816.61(d) and 817.61(d)

The information collection requirements under 30 CFR 816.61(d) are subsumed within 30 CFR 780.13, which requires submission of a blasting plan for all surface mines that involve the use of explosives. Therefore, the burden for preparation of a blast design for surface mines is included in the burden for 30 CFR 780.13.

There is no counterpart to 30 CFR 780.13 for underground mines. However, we do not anticipate that any underground mines will need to prepare a blast design under 30 CFR 817.61(d). Therefore, we are not including a burden estimate or request for 30 CFR 817.61.

Supporting Statement for 30 CFR 816.62 and 817.62

A. Justification

1. Section 515(b)(15)(E) of the Act imposes detailed planning, preblast survey, permitting, and record-keeping requirements on persons planning to conduct surface coal mining operations that involve the use of explosives. Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. Our regulations at 30 CFR 816/817.62(a) and (b) implement those statutory provisions in part by requiring operators to perform preblast surveys when a request is made by a resident or owner of a structure within one-half mile of any portion of the permitted area; and submit the survey to the regulatory authority, and a copy, to the resident or owner of the properties. In addition, they require that, at least 30 days before initiation of blasting, the operator must provide written notification to all residents or owners of dwellings or other structures located within ½ mile of the permit area explaining how to request a preblast survey.
2. The preblast survey must determine the condition of the dwelling structure and document any damage and other physical factors that could reasonably be affected by the blasting. In addition, the assessment must include the surface conditions and readily available data about structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems. The regulatory authority, the operator and the owner of the structure can use the preblast survey reports to assess and compare conditions before blasting with those after blasting. In the absence of this information, there would be no way to fairly determine claims against the operator and no way for the owner to determine that blasting has or has not caused damage. This information can be also used as evidence in litigation. In addition to establishing a preblast record of the condition of structures, the survey opens lines of communication between the mining operator and the affected public.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

The notification and preblast survey requirements of 30 CFR 816/817.62 must be implemented before the initiation of blasting. Therefore, they apply primarily to new permits and permit revisions that add acreage. Our FY 2014 annual evaluation reports indicate that we and the states annually issue a total of 358 new permits and permit revisions that add acreage. Not all mining operations use explosives and, for those that do, the number of protected structures within 0.5 mile of the permit boundary varies widely. However, based on consultation with the persons listed in item 8 and prior discussions with respondents, we estimate that the average operation will notify the owners and conduct preblast surveys of 25 structures. Based on information provided by the persons listed in item 8, we estimate that the average notification and preblast survey will require 8 hours per structure to complete. Therefore, we estimate that the annual information collection burden associated with 30 CFR 816/817.62 will total **71,600 hours** (358 new permits and revisions x 25 protected structures per new permit or revision x 8 hours per survey).

Preblast notifications and surveys do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11, which has its own information collection budget. Therefore, the only information collection burden to state regulatory authorities under 30 CFR 816/817.62 is the time required to file the reports, which is a usual and customary business activity.

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Engineering Technician | \$39.09 | 100% | \$39.09 |

At an average cost of \$39.09 per hour, the estimated total annual cost for industry respondents is 71,600 hours x \$39.09 = \$2,798,844.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.62 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

Based on consultation with the persons listed in item 8, we estimate non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.62 at \$100 per preblast survey, for a total annual cost of **\$895,000** (358 new permits and revisions adding acreage x 25 protected structures per new permit or revision x \$100 per survey). These costs consist primarily of supplies, photographic expenses, publishing costs, and fuel and equipment maintenance expenses for travel to the mine.

There are no non-wage operation and maintenance costs for the regulatory authority under these sections other than those associated with customary and usual business practices.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.62. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$1,132.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Preblast surveys do not require regulatory authority review apart from the inspections conducted for 30 CFR 842.11, which has its own information collection budget. Therefore, there is no federal program information collection burden under 30 CFR 816/817.62.

Total Federal Cost

\$1,132 Oversight
+ \$ 0 Federal programs

\$1,132 Total federal cost

15. The current OMB-approved information collection burden for 30 CFR 816/817.62 is 94,600 hours. We are now requesting 71,600 burden hours for these sections, a decrease of 23,000 hours as a result of adjustments to reflect a decrease in new permits.

94,600 hours currently approved by OMB
- 23,000 hours due to adjustments

71,600 hours requested

The currently approved non-wage cost burden for 30 CFR 816/817.62 is \$1,182,500 for industry. We have included a burden of \$100 per preblast survey to cover supplies, photographic expenses, publishing costs, and other non-wage costs associated with conducting and completing a preblast survey. The requested annual non-wage cost burden is **\$895,000** which represents a reduction of \$287,500 due to a reduction in use.

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

Supporting Statement for 30 CFR 816.64 and 817.64

A. Justification

1. Section 515(b)(15)(A) of the Act requires surface coal mine operators to provide adequate advance written notice to local governments and residents who might be affected by the use of explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality, and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed permit area where blasting will occur and by providing daily notice to resident/occupiers in such areas prior to any blasting. The regulations at 30 CFR 816.64 implement this statutory provision.

Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. Recognizing the differences between surface and underground mining, the rules at 30 CFR 817.64 did not impose the newspaper notice requirement on underground mines, although they do contain the other notice requirements.

2. The blasting schedule publication and republication must list the times when all blasting shall take place as approved by the regulatory authority. In addition, the contents of the schedule for distribution shall identify the name, address and telephone number of the operator, specific areas identified for blasting, dates and time periods, methods used to control access to the blasting area, and the types and patterns of audible warning and all-clear signals to be used. This information is needed by the regulatory authority and residents to provide advance notice and warning of the restrictive time periods and areas for blasting. In the absence of such information, there would be no procedures for restricting the times for blasting, determining claims against a specific operator or justifying limitations on the basis of public health, safety and welfare. In addition to establishing and distributing a schedule for blasting, this requirement opens lines of communication between the operator and the public about the blasting times, location, and operator responsibility.
3. This information is unique to each respondent and individual minesite. It is assumed that some report preparation is carried out by electronic methods. However, the nature and extent of utilizing electronic methods are not far-reaching, at least among the entities receiving the required information, local governments, individuals and newspapers. States require that the information be delivered as in hard-copy form in most instances.
4. See list of items with identical responses.
5. See list of items with identical responses.

6. Information collection occurs before any blasting is conducted. The operator must republish and redistribute the blasting schedule at least once every 12 months. If notification were required less frequently, it could result in injury to those near the blast area because of a lack of familiarity with the previously published schedule.
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. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

A mine operator typically prepares and distributes one blasting schedule annually for each coal mining operation that intends to conduct blasting during that year. Based on consultation with the persons listed in item 8, we estimate that half of all active surface inspectable units will conduct blasting, as well as half of all new underground mine permits issued during that year. Our FY 2014 annual evaluation reports indicate that there are 3,718 active surface and underground coal mines (including 54 new underground mine permits). Therefore, we estimate that mine operators will need to prepare and distribute blasting schedules for 1,859 operations each year.

Based on our experience as a regulatory authority and comments received from respondents identified in item 8, we estimate that the mine operator will need 4 hours to prepare a blasting schedule and send it to nearby residents. Therefore, we estimate that the annual information collection burden associated with 30 CFR 816/817.64 will total **7,436 hours** (1,859 operations with blasting x 1 blasting schedule per year x 4 hours per blasting schedule).

Notifications for 30 CFR 816/817.64 do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11, which has its own information collection budget. Therefore, there is no information collection burden to state regulatory authorities under 30 CFR 816/817.64.

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Engineering Technician | \$39.09 | 100% | \$39.09 |

At an average cost of \$39.09 per hour, the estimated total annual cost for industry respondents is 7,436 hours x \$39.09 = \$290,673.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.64 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.64 at \$75 per site per year, for a total annual cost of **\$139,425** (1,859 minesites with blasting x \$75 per minesite). These costs consist primarily of fuel and vehicle maintenance expenses for travel to the minesite, office supplies, copying and postage expenses, and newspaper publication charges.

There are no non-wage operation and maintenance costs for the regulatory authority under these sections other than those associated with customary and usual business practices.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.64. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer

reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$1,132.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Federal inspectors review proof of publication and distribution of blasting schedules during federal inspections conducted for 30 CFR 840.11, which has its own information collection budget. Therefore, there is no federal program information collection burden under 30 CFR 816/817.64.

Total Federal Cost

| | | |
|---|----------|--------------------|
| | \$ 1,132 | Oversight |
| + | \$ 0 | Federal programs |
| | \$ 1,132 | Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.64 is 6,028 hours. We are now requesting 7,436 burden hours for these sections, an increase of 1,408 hours as a result of an increase in usage.

| | | |
|---|-------|---------------------------------|
| | 6,028 | hours currently approved by OMB |
| + | 1,408 | hours due an adjustment |
| | 7,436 | hours requested |

The currently approved non-wage cost burden for 30 CFR 816/817.64 is \$113,025 for industry. We have included a burden of \$75 per minesite to cover supplies, photographic expenses, publishing costs, and other non-wage costs. This request seeks approval for an annual non-wage cost burden of \$139,425 which represents an increase in usage.

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

Supporting Statement for 30 CFR 816.67 and 817.67

A. Justification

1. Section 515(b)(15)(C) of the Act requires that blasting at surface coal mining operations be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area. This section also requires limiting the type of explosives and detonating equipment, and the size, timing, and frequency of blasts based on the physical condition of the site. Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. The regulations at 30 CFR 816/817.67 implement these statutory requirements.
2. Airblasts are airborne shock waves resulting from the detonation of explosives. Ground vibrations are elastic waves emanating from a blast and propagating through soil and rock. The operator must monitor both airblast and ground vibration to document adherence to the limits established by the regulatory authority. Airblasts may not exceed the maximum limits listed under 30 CFR 816/817.67(b)(i), with some exceptions. The maximum ground vibration for protected structures may not exceed the values approved in the blasting plan required under 30 CFR 780.13 and established in accordance with one of the three measurement methods described under 30 CFR 816/817.67. This information is needed by the regulatory authority to document periodic airblast monitoring and seismic records for each blast under section 816/817.67(b) and (d). Lacking sufficient information, safety could be jeopardized, as would investigations of damage complaints.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

The information collection requirements of 30 CFR 816/817.67 apply to all active operations that conduct blasting. Based on consultation with the persons listed in item 8, we estimate that half of all active surface and underground coal mines will conduct blasting during any given year, as will half of all new underground mine permits issued during that year. Our FY 2014 annual evaluation reports indicate that there are 3,718 active inspectable units (including 54 new underground mine permits) during that year. Therefore, we estimate that the requirements of these sections will apply to 1,859 operations each year.

Based on our experience as a regulatory authority and comments received from respondents, we estimate that the average mine will conduct blasting 3 times per week, 45 weeks per year, monitor each blast with one seismograph placed at the closest protected structure, and take 1.2 hours per blast to set up and remove the seismograph, analyze the results, and file a copy of the seismographic record of the blast. Therefore, we estimate that the annual information collection burden associated with 30 CFR 816/817.67 will total **301,158 hours** (1,859 operations with blasting x 3 blasts per week x 45 weeks per year x 1.2 hours per blast).

The seismograph records obtained under 30 CFR 816/817.67(d) do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Therefore, there is no information collection burden to state regulatory authorities under 30 CFR 816/817.67.

b. Estimate of Annual Wage Costs to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|--------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Blasters | \$37.34 | 100% | \$37.34 |

Therefore, the estimated total annual wage cost for all industry respondents for 30 CFR 816/817.67 is 301,158 hours x \$37.34 = \$11,245,239.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.67 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.67 at \$500 per year per operation with blasting activity for a total annual cost of **\$929,500** (1,859 minesites with blasting x \$500 per minesite). These costs consist primarily of seismograph paper costs, seismograph maintenance expenses, and fuel and vehicle maintenance expenses for travel to and from the seismograph locations.

There are no non-wage operation and maintenance costs for the regulatory authority under these sections other than those associated with customary and usual business practices.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.67. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$1,132.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Federal inspectors review seismograph records during federal inspections conducted for 30 CFR 842.11, which has its own information collection budget. Therefore, there is no federal program information collection burden under 30 CFR 816/817.67.

Total Federal Cost

\$ 1,132 Oversight
+ \$ 0 Federal programs
\$ 1,132 Total federal cost

15. The current OMB-approved information collection burden for 30 CFR 816/817.67 is 244,134 hours. We are now requesting 301,158 burden hours for these sections, an increase of 57,024 hours as a result of an increase in usage.

244,134 hours currently approved by OMB
+ 57,024 hours due to an adjustment (increase in usage)
301,158 hours requested

The currently approved non-wage cost burden for 30 CFR 816/817.67 is \$753,500. As a result of an increase in use we have revised that estimate to **\$929,500** (\$500 x 1,859 operations) to reflect the non-labor costs associated with seismograph operation, placement, removal, and maintenance.

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

Supporting Statement for 30 CFR 816.68 and 817.68

Section 515(b)(15)(B) of the Act require surface mine operators using explosives to maintain blast records for a period of at least three years. Upon request, copies of the records must be available to the public for inspection. Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking.

The regulations at 30 CFR 816/817.68 implement these statutory provisions, with recordkeeping requirements tailored to the method used to measure ground vibration. Paragraphs (a), (b), and (c) identify the operator and the person responsible for the blasting in order to match the blast record with the operation and determine if the blaster is certified as required by section 816/817.61. Paragraph (d) records the distance to dwellings, which is necessary to determine compliance with the requirement under section 816/817.61(d) concerning the distance of the blast from dwellings. Paragraph (e) records weather conditions, which influence air vibration and could require schedule changes. Paragraphs (f) through (m) provide information necessary to determine the magnitude of the blast and conformance with section 816/817.67 ground vibration limitations. Paragraph (n) identifies measures to limit flyrock, which is subject to distance restrictions under section 816/817.67(c). Paragraph (o) records information basic to seismic tests, and paragraph (p) records any schedule changes, which are used to determine compliance with the blasting schedule requirements under section 816/817.64.

However, mine operators collected and maintained similar information before the enactment of SMCRA. Collection and maintenance of the information required under this section are customary business practices for insurance and legal purposes. Therefore, we are not including the time and expense required to prepare and maintain blasting logs as part of the information collection burden for 30 CFR Parts 816 and 817.

Supporting Statement for 30 CFR 816.71 and 817.71

A. Justification

1. Section 515(b)(22) of SMCRA requires that all excess spoil be placed in a manner that will assure mass stability and safety and that will be compatible with the natural drainage pattern and surrounding landforms. The Act also requires that a qualified registered professional engineer certify the design of the spoil disposal area as being in conformance with professional standards. Section 516(b)(10) of SMCRA provides that, with respect to surface impacts, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. The regulations at 30 CFR 816/817.71 implement these statutory provisions in part.

There are two provisions with information collection implications in 30 CFR 816/817.71. The first one, 30 CFR 816/817.71(e)(2), requires that the engineer certify that, if any excess spoil is to be placed in lifts greater than 4 feet in thickness, the design is stable and meets all other requirements. The information required by this provision is typically submitted as part of the permit application. Therefore, the burden for this requirement previously has been assigned to 30 CFR 780.35 (surface mining) and 784.19 (underground mining) to avoid duplicative counting.

The second provision, 30 CFR 816/817.71(h), requires that the engineer or other professional specialist inspect the fill at least quarterly throughout construction and during critical construction periods. The regulations identify a minimum of four critical construction periods, including completion of construction. This provision further requires that the engineer provide a certified report to the regulatory authority after each inspection. It establishes certain content requirements for the certification and requires that a copy of the report be retained at or near the minesite.

2. The inspections, reports, and certifications required by 30 CFR 816/817.71(h) are intended to assure that the fill is constructed in accordance with the approved design plans. The information is needed to ensure public safety and prevent environmental damage from fill failures.
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. The information cannot be collected less frequently because the construction phase is an ongoing activity with the potential of some segments of the fill being covered prior to the next inspection.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

According to a nationwide survey conducted in 2005, more than 98% of all excess spoil fills are located in Kentucky, West Virginia, and Virginia. There is no evidence or reason to believe that the situation has changed in subsequent years. Our FY 2014 annual evaluation reports indicate that those three states have 1,287 active surface mines and that they issued 47 new permits for underground mines during that year. Based on data previously supplied by respondents in those states, we estimate that 50% (644) of the active surface mines have excess spoil fills under construction, with an average of three fills per mine. We also estimate that 50% (24) of all new underground operations in those states have excess spoil fills under construction, primarily as a result of facing up the underground mine, with an average of one fill per mine.

Based on information provided by the individuals listed in item 8, we estimate that conducting the quarterly inspections and providing the certified reports required during construction of an excess spoil fill will impose an information collection burden of 24-32 hours on the permittee, depending upon the amount of surveying required. For purposes of this analysis we will use 28 hours as the average burden per inspection. Therefore, we estimate that the total annual burden for surface mines with excess spoil will be 216,384 hours (644 operations x 3 excess spoil fills per operation x 4 inspection and certification reports per fill per year x 28 hours per inspection and report). Similarly, we estimate the total annual burden for underground mines will be 2,688 hours (24 new underground mine permits x 1 excess spoil fill per permit x 4 inspection and certification reports per fill per year x 28 hours per inspection and report).

Engineering inspections and certifications of excess spoil fills do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Thus, there is no information collection burden for state regulatory authorities under 30 CFR 816/817.71.

Therefore, we estimate that the total annual burden for all respondents to comply with the information collection requirements of 30 CFR 816/817.71 is **219,072 hours** (216,384 hours for surface mines + 2,688 hours for underground mines).

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Engineering Technician | \$39.09 | 75% | \$29.32 |
| Mining Engineer | \$58.60 | 20% | \$11.72 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 45.12 |

At an average cost of \$45.12 per hour, the estimated total annual cost for industry respondents is 219,072 hours x \$45.12 = \$9,884,529.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.71 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate that non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.71 will total \$100 per inspection and certification report for a total annual cost of **\$782,400** [(644 surface mines with fills x 3 excess spoil fills per mine x 4 inspection and certification reports per fill per year x \$100 per report) + (24 new underground mine permits with fills x 1 excess spoil fill per permit x 4 inspection and certification reports

per fill per year x \$100 per report)]. These costs consist primarily of office supplies and fuel and vehicle maintenance expenses for travel to and from the minesite.

Excess spoil fill inspection and certification reports do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budgets. Therefore, there are no non-wage operation and maintenance costs for the regulatory authority under these sections.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.71. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$2,264.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Excess spoil fill inspection and certification reports do not require regulatory authority review apart from the normal permit application review process and the inspections conducted under 30 CFR 842.11, which has its own information collection budget. Therefore, there are no federal program information collection costs to OSMRE under these sections.

Total Federal Cost

| | | |
|---|----------|--------------------|
| | \$ 2,264 | Oversight |
| + | \$ 0 | Federal programs |
| | \$ 2,264 | Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.71 is 238,336 hours. We are now requesting 219,072 burden hours for these sections, a decrease of 19,264 hours. The adjustments are based upon consultation with the person listed in item 8. They reflect a decrease in usage.

| | | |
|---|---------|---|
| | 238,336 | hours currently approved by OMB |
| - | 19,264 | hours due to adjustments (a decrease in usage burden) |
| | 219,072 | hours requested |

The currently approved non-wage cost burden for 30 CFR 816/817.71 is \$851,200. Based upon consultation with the persons listed in item 8, we estimated a non-wage cost

burden of \$100 per inspection and certification report to reflect the non-labor costs associated with office supplies and fuel and vehicle maintenance expenses associated with travel to and from the minesite. The requested total non-wage cost burden is **\$782,400** per year.

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

Supporting Statement for 30 CFR 816.81 and 817.81

A. Justification

1. Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Among other things, section 515(f) requires periodic inspections during construction, certification upon completion of construction, and periodic safety inspections. Section 515(b)(11) of the Act establishes additional performance standards for refuse piles. The regulations at 30 CFR 816/817.81 implement this requirement in part.
2. Regulatory authorities rely upon the design certification requirements of 30 CFR 816/817.81 to ensure that the coal mine waste disposal facility is designed in accordance with current, prudent engineering practices and does not present a public hazard or threat to property.
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. Information is collected once during the design phase of the refuse pile or impoundment.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate that the design certification requirements of 30 CFR 816/817.81(c) for coal mine waste disposal facilities will apply to 90% of all new underground mine permits and 10% of all surface mines and other permits issued each year. According to our FY 2014 annual evaluation reports, we and the state regulatory authorities issued 304 permits for surface mines and other facilities and 54 permits for underground mines during that year,

which means that each year these requirements will apply to 79 operations [(0.9 x 54 underground mine permits issued per year) + (0.1 x 304 permits issued for surface mines and other facilities per year)].

Based on our experience and information supplied by the respondents listed in item 8, we estimate that a qualified registered professional engineer will require an average of 70 hours to certify the design of each coal mine waste disposal facility. Therefore, we estimate that the annual information collection burden on permit applicants for preparation of certifications under 30 CFR 816/817.81 will total **5,530 hours** (79 certifications per year x 70 hours per certification per year).

Design certification reports do not require regulatory authority review apart from the normal permit application review process and the inspections conducted under 30 CFR 840.11, which have their own information collection budgets. Therefore, there is no information collection burden to state regulatory authorities under 30 CFR 816/817.81.

b. Estimated Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Engineering Technician | \$39.09 | 45% | \$17.59 |
| Mining Engineer | \$58.60 | 50% | \$29.30 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 50.97 |

At an average cost of \$50.97 per hour, the estimated total annual cost for industry respondents is 5,530 hours x \$50.97 = \$281,864.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.81 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

There are no unique non-wage operation and maintenance costs associated with design certifications, because, as noted by one of the persons listed in item 8, these costs cannot easily be separated from preparation of the design itself under 30 CFR 780.25 and 784.16, which have their own information collection budgets.

14. Estimate of Annualized Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.81. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$1,132.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. As noted in item 12.a., design certification reports do not require regulatory authority review apart from the normal permit application review process and the inspections conducted under 30 CFR 842.11, which have their own information collection budgets. Therefore, there is no federal program information collection burden for OSMRE under 30 CFR 816/817.81.

Total Federal Cost

| | | |
|---|----------|--------------------|
| | \$ 1,132 | Oversight |
| + | \$ 0 | Federal programs |
| | \$ 1,132 | Total federal cost |

15. Currently OMB-approved information collection burden for 30 CFR 816/817.81 is 560 hours. Based upon consultation with the persons listed in item 8, we increased the burden hours from 4 to 70 hours for each response. We have also reduced the number of responses from 140 to 79.

560 hours currently approved by OMB
+ 4,970 hours due to adjustments
5,530 hours requested

As discussed in item 13, there are no unique non-wage costs associated with the design certification requirement of 30 CFR 816/817.81.

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

Supporting Statement for 30 CFR 816.83 and 817.83

A. Justification

1. Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Among other things, section 515(f) requires periodic inspections during construction, certification upon completion of construction, and periodic safety inspections. Section 515(b)(11) of the Act establishes additional performance standards for refuse piles.

The regulations at 30 CFR 816.83 and 817.83, which pertain to the construction of refuse piles, implement these statutory provisions in part. The information collection requirements for refuse piles appear in paragraph (d) of 30 CFR 816/817.83, which requires that a qualified professional inspect or supervise the inspection of refuse piles at least quarterly throughout construction and during critical construction periods, that inspection reports be certified, and that the reports be maintained at or near the minesite.

2. Regulatory authorities use the reports required under 30 CFR 816/817.83(d) to ensure that refuse piles are constructed as designed and in a safe and stable manner that will minimize environmental damage and threats to public safety and public and private property.
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. Information is collected quarterly during the construction of the refuse pile. Reduction of this frequency would not be prudent because the longer the time between inspections, the less certain the inspector can be that all pertinent construction activities have been properly performed.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Based on consultation with the persons listed in item 8 and prior discussions with respondents, we estimate that 90% of active underground coal mining operations contain refuse piles under construction, as do 10% of all active surface mines and other active inspectable units. Thus, using data for the 2014 evaluation year, we estimate that the information collection burden for 30 CFR 816/817.83 will apply to 1,478 sites [(0.9 x 1,252 active underground mines) + (0.1 x 3,516 active surface mines and other inspectable units)].

Based on consultation with the persons listed in item 8, we estimate that conducting quarterly inspections of each refuse pile and preparing, filing, and maintaining certified reports for each inspection will require an average of 12 hours per inspection and certification. Therefore, the estimated total annual burden for all industry respondents under these sections is **70,944 hours** (1,478 operations x 4 inspections and reports per year x 12 hours per inspection and report).

Refuse pile inspection and certification reports do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11, which have their own information collection budgets. Therefore, there is no information collection burden for state regulatory authorities under 30 CFR 816/817.83.

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Engineering Technician | \$39.09 | 45% | \$17.59 |
| Mining Engineer | \$58.60 | 50% | \$29.30 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 50.97 |

At an average cost of \$50.97 per hour, the estimated total annual cost for industry respondents is 70,944 hours x \$50.97 = \$3,616,016.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for these sections.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.83 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate that non-wage operation and maintenance costs to mine operators for compliance with the information collection requirements of 30 CFR 816/817.83 will total \$100 per year per inspection and certification report for a total annual cost of **\$591,200** (1,478 sites with refuse piles x 4 inspections and certifications per year x \$100 per inspection and certification). These costs consist primarily of office supplies and fuel and vehicle maintenance expenses for travel to and from the minesite.

Refuse pile inspection and certification reports do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11, which has its own information collection budgets. Therefore, there are no non-wage operation and maintenance costs for the regulatory authority under these sections.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.83. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$2,264.

Federal Programs: OSMRE is the regulatory authority for all operations under federal regulatory programs, on Indian lands, and on federal lands in states without a cooperative agreement. Refuse pile inspection and certification reports do not require regulatory authority review apart from the normal permit application review process and the inspections conducted under 30 CFR 842.11, which has its own information collection budget. Therefore, there are no federal program information collection costs to OSMRE under these sections.

Total Federal Cost

\$ 2,264 Oversight
+ \$ 0 Federal programs
\$ 2,264 Total federal cost

15. The current OMB-approved information collection burden for 30 CFR 816/817.83 is 57,120 hours. We are now requesting 70,944 burden hours for these sections, an increase of 13,824 hours as a result of a decrease in usage combined with an increase in unit burden from 8 hours per inspection and certification to 12 hours per inspection and certification, based upon information provided by the persons listed in item 8.

57,120 hours currently approved by OMB
+ 13,824 hours due to adjustments
70,944 hours requested

Based upon consultation with the persons listed in item 8, we estimate a non-wage cost burden of \$100 per inspection and certification report to reflect the non-labor costs associated with office supplies and fuel and vehicle maintenance expenses associated with travel to and from the minesite. The currently approved non-wage cost burden for 30 CFR 816/817.83 is \$714,000. We are requesting a non-wage cost burden of \$591,200, a reduction of \$122,800, due to a reduction in use as an adjustment.

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

Supporting Statement for 30 CFR 816.87 and 817.87

Under 30 CFR 816/817.87, the operator must develop a plan for extinguishing burning coal mine waste and handling or removing burning or burned coal mine waste, when applicable. The plan must be submitted to and approved by the regulatory authority. However, because this is a requirement that applies only in emergency and unanticipated situations, we are not including a request for an information collection budget for 30 CFR 816/817.87. It is not a routine or recurring event or requirement.

Supporting Statement for 30 CFR 816.116 and 817.116

A. Justification

1. Paragraph (a) of these sections requires that regulatory authorities establish revegetation success standards and statistically valid sampling techniques for use in determining revegetation success and make these standards and techniques available to the public. In combination with 30 CFR 800.40, the other paragraphs of these sections require documentation of compliance with revegetation success standards before the regulatory authority may approve final bond release. Sections 515(b)(19), 515(b)(20), and 516(b)(6) of SMCRA provide the legal basis for these regulations. Sections 515(b)(19) and 516(b)(6) require that surface coal mining and reclamation operations establish a permanent vegetative cover that meets certain criteria on all disturbed lands. Section 515(b)(20) specifies the length of the revegetation responsibility period, which determines in part how long and how many times the permittee must measure revegetation parameters.
2. The data and other information required by these sections are necessary for the regulatory authority and the public to determine whether the mined land has been successfully reclaimed.
3. The collection of information required for 30 CFR 816.116 and 817.116 is unique to each permit area. Respondents are state regulatory authorities who develop revegetation success standards and sampling techniques and mine permittees who demonstrate the success of revegetation efforts. The required information may be collected and maintained in electronic format at the discretion of the regulatory authority.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Based on our experience, we estimate that, each year, approximately two state regulatory authorities will modify their standards for revegetation success under 30 CFR 816/817.116(a). Based on consultation with the persons listed in item 8, we estimate that each modification will require approximately 120 hours on the part of the regulatory authority. Therefore, the estimated total annual burden for state regulatory authorities is **240 hours** (2 states revising sampling techniques or standards each year x 120 hours per State).

In addition, 30 CFR 816/817.116 requires that, following the completion of mining and other reclamation activities, all permittees document the success of revegetation, including attainment of all applicable revegetation success standards. Based on consultation with the persons listed in item 8, as well as other discussions with permittees and state regulatory authorities, we estimate that each permittee requires an average of 80 hours per year to conduct the necessary sampling and documentation for each operation or increment thereof with Phase II bond release. (Measurements for multiple years are necessary to document success.) The burden varies depending on location, postmining land use, the size of the parcel being evaluated, and the variability of the vegetation. For purposes of this analysis, we will use the number of inactive inspectable units as a surrogate for the number of operations that have received Phase II bond release, in whole or in part.

Data for the 2014 evaluation year show a total of 1,529 inactive operations for that year. Therefore, the estimated total annual burden for permittees to document revegetation success is **122,320 hours** (1,529 inactive operations x 80 hours per year per inactive operation). There is no associated burden for regulatory authorities because the regulatory authority normally reviews this information only as part of a bond release application under 30 CFR 800.40, which has its own information collection budget.

The burden for all respondents to comply with 30 CFR 816/817.116 is **122,560 hours** (240 hours for state regulatory authorities + 122,320 hours for operators).

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

Industry Wage Cost

| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|--------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Administrative Support | \$22.83 | 5% | \$1.14 |
| Samplers | \$31.25 | 60% | \$18.75 |
| Soil and Plant Scientist | \$42.29 | 35% | \$14.80 |
| Total | | 100% | 34.69 |

At an average cost of \$34.69 per hour, the estimated total annual cost for industry respondents is 122,320 hours x \$34.69 = \$4,243,281.

In addition, it takes 120 hours for each state regulatory authority to modify its standards for revegetation success, an activity which approximately 2 states will conduct each year.

We estimate the wage cost for a state employee soil and plant scientist is \$39.51 per hour (see item 13, page 10 for an explanation). Therefore, the estimated total annual wage cost for state regulatory authorities to modify standards for revegetation success is 240 hours x \$39.51 = \$9,482.

Thus, we estimate that the annual information collection burden for all respondents under 30 CFR 816/817.116 is \$4,243,280 for industry + \$9,482 for state regulatory authorities = \$4,252,762 .

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.116 do not involve any significant capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for these sections.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to permittees for compliance with the information collection requirements of 30 CFR 816/817.116 at \$100 per year for each operation with Phase II bond release, for a total annual cost of **\$152,900** (1,529 inactive minesites x \$100 per site). These costs consist primarily of fuel and vehicle maintenance expenses for travel to the mine.

There are no unique operation or maintenance costs to state regulatory authorities for compliance with the information collection requirements of 30 CFR 816/817.116.

14. Estimates of Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.116. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$2,264.

Federal Programs: OSMRE is the regulatory authority for all operations under a federal regulatory program for a state, on Indian lands, and on federal lands for which there is no cooperative agreement providing for state regulation. However, we do not anticipate reviewing the sampling and analyses conducted under 30 CFR 816/816.116 unless they are included in an application for bond release under 30 CFR 800.40, which has its own information collection budget. Therefore, there are no federal program information collection costs to OSMRE under 30 CFR 816/817.116.

Total Federal Cost

| | |
|---|-----------------------------|
| | \$ 2,264 Oversight |
| + | \$ 0 Federal programs |
| | \$ 2,264 Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.116 is 101,800 hours. We are now requesting 122,560 burden hours for these sections, an increase of 20,760 hours as a result of an increase in usage and an increase in the burden for state regulatory authorities to modify revegetation success standards, from 100 hours to 120 hours.

| | |
|---|---|
| | 101,800 hours currently approved by OMB |
| + | 20,760 hours due to an adjustment |
| | 122,560 hours requested |

The current OMB-approved annual non-wage cost burden for 30 CFR 816/817.116 is \$127,000. This request seeks a total annual non-wage cost burden of \$152,900 which reflects the increase in usage.

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

Supporting Statement for 30 CFR 817.121

A. Justification

1. This section contains two provisions with information collection implications. The first, 30 CFR 817.121(c)(5), specifies that the regulatory authority must require that the operator of an underground mine obtain additional performance bond to cover the cost of correcting any subsidence damage or water supply disruption that lasts beyond 90 days. The regulatory authority may extend this time up to one year if it finds in writing that all reasonably anticipated changes that could affect the structure or water supply have not yet occurred after 90 days. We are not including a burden estimate for this provision because of its non-standardized and remedial nature.

The second, 30 CFR 817.121(g), requires that each underground mine operator submit a detailed plan of the underground workings within a schedule approved by the regulatory authority. The preamble to this rule explains that this plan is a one-time submission intended to demonstrate how the operator of a newly approved underground mine will comply with the measures listed in the subsidence control plan for the mine.

Section 516(b)(1) of SMCRA, which specifies that each permit for an underground mine must require the operator to adopt measures to prevent subsidence to the extent technologically and economically feasible, in combination with section 516(a), which requires that the Secretary adopt rules to implement section 516, provide the statutory authority for 30 CFR 817.121(g). Additional statutory authority may be found in section 720 of SMCRA, which requires the adoption of regulations governing the correction of subsidence-related material damage to protected structures.

2. Regulatory authorities use the detailed plans submitted under 30 CFR 817.121(g) to evaluate compliance with the subsidence control plan submitted and approved under 30 CFR 784.20.
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. This information is reported once and is needed to ensure that subsidence and related damage is minimized to the extent legally required.
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. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

Underground mines must prepare detailed maps and plans for future underground workings as part of standard business practices and for the Mine Safety and Health Administration. Therefore, we are not including the cost of preparing the detailed maps and plans in the information collection burden estimate for 30 CFR 817.121(g). The only burden unique to SMCRA that this section adds is preparation of the description of the measures to be taken to prevent or minimize subsidence and related damage. Based in part on consultation with respondents, including the persons listed in item 8, we estimate that preparing this description will require an average of 40 hours per description.

The detailed maps and plans required for 30 CFR 817.121(g) are a one-time submission, the timing of which occurs at some point after approval of the permit application, but before underground activities begin. Therefore, this requirement will apply only to newly permitted underground mines and extensions of those mines.

We and the states issued 104 new underground mine permits and extensions during the 2014 evaluation year. Therefore, we estimate that the annual information collection burden on mine operators and permittees to prepare and submit detailed descriptions under 30 CFR 817.121(g) will total **4,160 hours** (104 new underground mine permits and extensions issued per year x 1 detailed description per permit x 40 hours per detailed description).

The detailed maps and plans submitted under 30 CFR 817.121(g) do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget.

- b. Estimated Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

Industry Wage Cost

| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Engineering Technician | \$39.09 | 45% | \$17.59 |
| Mining Engineer | \$58.60 | 50% | \$29.30 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 50.97 |

At an average cost of \$50.97 per hour, the estimated total annual cost for industry respondents is 4,160 hours x \$50.97 = \$212,035.

There are no wage costs for state regulatory authorities because there is no state regulatory authority burden for this section.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 817.121 do not involve any capital or start-up costs unique to these requirements. Preparation of maps and plans similar to those required under this section is a customary and usual business practice for underground mines. Similarly, the recordkeeping requirements for state regulatory authorities under this section do not require regulatory authorities to obtain unique or additional equipment or supplies. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate that miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 817.121 will be \$25 per detailed description, for a total annual cost of **\$2,600** (104 new underground mine permits issued per year x 1 detailed description per permit x \$25 per description). These costs consist primarily of drafting and office supplies and copying and delivery expenses for providing the regulatory authority with a copy of the maps and plans.

Non-wage recordkeeping costs to state regulatory authorities are insignificant because the maps and plans are filed as part of the mine records that must be maintained under 30 CFR 840.14, which has its own information collection budget.

14. Estimate of Annualized Cost to the Federal Government

The detailed descriptions submitted under 30 CFR 817.121(g) normally do not require regulatory authority or oversight review apart from the inspections that we conduct under 30 CFR 842.11, which has its own information collection budget. Therefore, there is no federal information collection burden associated with 30 CFR 817.121.

15. The current OMB-approved information collection burden for 30 CFR 817.121 is 460 hours. We are now requesting 4,160 burden hours for this section, an increase of 3,700 hours as a result of a decrease in use, and an increase in estimated respondent burden from 4 to 40 hours based on discussions with respondents listed in item 8.

460 hours currently approved by OMB
+ 3,700 hours due to an adjustment
4,160 hours requested

The current OMB-approved annual non-wage cost burden for 30 CFR 817.121 is \$2,875. We are now requesting \$2,600, which reflects a decrease in usage.

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

Supporting Statement for 30 CFR 817.122

A. Justification

1. This section specifies that the operator of an underground mine must mail a notification to all owners and occupants of surface property and structures above the planned underground workings at least 6 months before mining. The statutory authority for this requirement arises under section 201(c) of SMCRA, which provides that the Secretary shall publish such rules as may be necessary to carry out the purposes and provisions of SMCRA. Section 102(i) of SMCRA states that one of the purposes of the Act is to assure that appropriate procedures are provided for public participation in enforcement of the Act. The notice required for 30 CFR 817.122 lies within this rubric.
2. Persons who reside or own property overlying areas of planned underground mine workings use the notice required under 30 CFR 817.122 to prepare for any potential impacts of that mining.
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. This information is submitted once to ensure public participation and awareness of potential hazards.
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. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

The notification required by 30 CFR 817.122 applies only to those underground mines that prepare subsidence control plans. We estimate that 90 percent of all underground mines must prepare such plans under 30 CFR 784.20(b). In addition, most underground mines are located in relatively remote areas with few structures and large landholdings.

Hence, the number of landowners and occupied dwellings overlying the planned underground workings is usually low, and the mine may be working beneath the same landholdings for more than 6 months. Taking these factors into consideration, we estimate that 50 percent of the active underground mines with subsidence control plans will need to provide notifications to an average of three surface landowners and residents of occupied dwellings every 6 months.

Data from the 2014 evaluation year show a total of 1,252 active underground mines for that year, which translates to 563 mines that will need to provide notification (0.5 x 0.9 x 1,252 active underground mines). Accordingly, we estimate that underground mine operators will need to mail a total of 3,378 notifications per year (563 mines x 3 surface owners or residents per mine x 2 notifications per owner or resident per year).

Based on consultation with the persons listed in item 8, we estimate that each notification will require 1 hour to prepare and deliver. Therefore, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 817.122 will total **3,378 hours** (3,378 notifications per year x 1 hour per letter).

The notifications required under 30 CFR 817.122 do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11 and 842.11, which have their own information collection budgets. Hence, there is no information collection burden for state regulatory authorities under 30 CFR 817.122.

b. Estimated Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Administrative Support | \$22.83 | 100% | \$22.83 |

At an average cost of \$22.83 per hour, the estimated total annual cost for industry respondents is 3,378 x \$22.83 = \$77,120.

There is no wage cost to state regulatory authorities because regulatory authority personnel review these notifications as part of the complete inspections conducted for 30 CFR 840.11 and 842.11, which have their own information collection budgets.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 817.122 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate that miscellaneous non-wage operation and maintenance costs to industry for compliance with the information collection requirements of 30 CFR 817.122 will total \$3 per notification for a total annual non-wage cost of **\$10,134** (3,378 notifications per year x \$3 per notification). These costs consist primarily of office supplies, copying, and delivery expenses.

14. Estimate of Annualized Cost to the Federal Government

The notifications required under 30 CFR 817.122 do not require regulatory authority or oversight review apart from the inspections conducted under 30 CFR 842.11, which has its own information collection budget. Therefore, there are no information collection costs to the federal government under 30 CFR 817.122.

15. The current OMB-approved information collection burden for 30 CFR 817.122 is 4,218 hours. We are now requesting a total of 3,378 hours to reflect a decrease in usage.

4,128 hours currently approved by OMB
- 750 hours due to an adjustment
3,378 hours requested

The current OMB-approved annual non-wage cost burden for 30 CFR 817.122 is \$12,384. We are now requesting \$10,134, which reflects a decrease in usage.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

Supporting Statement for 30 CFR 816.131 and 817.131

A. Justification

1. These sections require that a person who plans to cease surface or underground mining activities on a temporary basis for more than 30 days first notify the regulatory authority. These sections also spell out what the notice must include. The statutory authority for these rules is the general rulemaking authority in section 201(c)(2) of SMCRA, which provides the Secretary, acting through OSMRE, shall publish such rules as may be necessary to carry out the purposes and provisions of the Act. The temporary cessation notice provides the regulatory authority with the information needed to ascertain that the operator has not abandoned the site without completing reclamation.
2. The required information is intended to ensure that the permittee notifies the regulatory authority of the cessation and identifies the environmental monitoring and protection activities that will continue during the period of temporary cessation. The regulatory authority can then review the notice to determine whether the environment will be adequately protected during the period of cessation. Failure to provide this information could result in environmental damage from pollutional discharges, failure to reclaim contemporaneously with mining, or other problems.
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. Estimated Information Collection Burden
 - a. Burden Hour Estimates for Respondents

The number of temporary cessation notices for coal operations fluctuates from year to year, depending upon market and other conditions. Our 2014 evaluation year reports indicate that there are 4,768 active inspectable units nationally. Based upon our experience as a regulatory authority, we estimate that each year permittees will file a notice of temporary cessation for approximately 4% of all active inspectable units (or 191 inspectable units). Based upon information provided by the respondents identified in item 8, a permittee will need an average of 4 hours to prepare and file a notice. Therefore, we estimate that the total burden to comply with the notice requirements of 30 CFR 816/817.131 for all industry respondents is **764 hours** (191 active inspectable units x 4 hours per notice).

Temporary cessation notices do not require approval by the regulatory authority. Upon receipt, the regulatory authority must review and file each notice. Hence, there is no information collection burden for state regulatory authorities under 30 CFR 816/817.122.

Thus, we estimate that the total annual information collection burden for 30 CFR 816/817.131 is **764 hours**.

b. Estimate of Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Industry Wage Cost | | | |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
| Administrative Support | \$22.83 | 5% | \$1.14 |
| Engineering Technician | \$39.09 | 90% | \$35.18 |
| Operations Manager | \$81.63 | 5% | \$4.08 |
| Total | | 100% | 40.4 |

At an average cost of \$40.40 per hour, the estimated total annual cost for industry respondents is 764 hours x \$40.40 = \$30,866.

13. Total Annual Non-Wage Cost Burden to Respondents

There are no non-wage costs to industry respondents or state regulatory authorities other than usual and customary business practices.

14. Estimated Cost to the Federal Government

Oversight: There is no established frequency for conducting oversight reviews of state compliance with the requirements of 30 CFR 816/817.131. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$56.61 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 11, for an explanation of wages and benefits):

The annual cost to OSMRE for this oversight activity is estimated to be \$1,132.

Federal Programs: OSMRE is the regulatory authority for all operations under a federal regulatory program for a state, on Indian lands, and on federal lands for which there is no cooperative agreement providing for state regulation. As noted in item 12.a., notices of temporary cessation do not require action on the part of the regulatory authority beyond review and filing. Therefore, there is no information collection burden to OSMRE in federal program states.

Total Federal Cost

| | | |
|---|----------|--------------------|
| | \$ 1,132 | Oversight |
| + | \$ 0 | Federal programs |
| | \$ 1,132 | Total federal cost |

15. The current OMB-approved information collection burden for 30 CFR 816/817.131 is 900 hours. We are now requesting 764 burden hours for these sections, a decrease of 136 hours. The adjustment reflects a reduction in use, from 225 responses to 191.

| | | |
|---|-----|---------------------------------|
| | 900 | hours currently approved by OMB |
| - | 136 | hours due to adjustment |
| | 764 | 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.

Supporting Statement for 30 CFR 816.133 and 817.133

Paragraph (d) of this section, which concerns variances from approximate original contour restoration requirements, includes several provisions requiring notification and consultation with other agencies, written consent from the landowner, and certification by an engineer. However, the information collection burden for these provisions is included as part of the burden for 30 CFR 785.16, which effectively duplicates and incorporates the requirements of 30 CFR 816/817.133(d). Therefore, we are not including a separate information collection burden request for 30 CFR 816/817.133.

Supporting Statement for 30 CFR 816.151 and 817.151

A. Justification

1. Under 30 CFR 816/817.151(a), the construction or reconstruction of primary roads for surface and underground mines must be certified in a report to the regulatory authority by a qualified registered professional engineer (or qualified registered professional land surveyor) experienced in the design and construction of roads. The report must indicate that the road has been constructed or reconstructed as designed and in accordance with the approved plan.

Section 515(b)(17) of SMCRA provides that all surface coal mining and reclamation operations must insure that the construction of access roads will control or prevent erosion and siltation, water pollution, property damage, and damage to fish and wildlife or their habitat. Section 516(b)(10) of SMCRA provides that, with respect to the construction of new roads or the improvement or use of existing roads, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act unless the Secretary modifies the requirements of section 515 by rulemaking. The certification requirement of 30 CFR 816/817.151(a) is intended to implement these statutory provisions in part.

2. Regulatory authorities rely in part upon the construction certification requirements of 30 CFR 816/817.151 to ensure that mine roads are constructed in accordance with current, prudent engineering practices and to ensure that they do not present an environmental hazard or threat to property.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Based on our experience and consultation with the persons listed in item 8, we estimate that all new mine permits and all permit revisions adding acreage will include the construction or reconstruction of one or more primary roads. For purposes of this analysis, we will assume that the road construction is completed in the same year that the permit was issued or the revision was approved, and that all roads within the permit area are included in the same certification. Based on consultation with the persons listed in item 8, we estimate that each certification under 30 CFR 816/817.151(a) will require an average of 24 hours to prepare and submit. This estimate includes the time needed to conduct a survey of the roads being certified.

Regulatory authorities issued a total of 358 new mine permits and permit revisions adding acreage during the 2014 evaluation year. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 816/817.151 will total **8,592 hours** (358 new permits and permit revisions adding acreage per year x 1 certification per permit or revision x 24 hours per certification).

Road certifications do not require regulatory authority review apart from the inspections conducted for 30 CFR 840.11 and 842.11, which have their own information collection budgets. Therefore, the only information collection burden to regulatory authorities under 30 CFR 816/817.151 is the expense of filing the certifications, which constitutes usual and customary business practices for regulatory authorities.

b. Estimated Annual Wage Cost to Respondents

We estimate that mine operators will incur the following wage costs (rounded) to complete the collection of information required under these sections (see item 13, page 10, for an explanation of wages and benefits):

| Position | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Administrative Support | \$22.83 | 5% | \$1.14 |
| Engineering Technician | \$39.09 | 70% | \$27.36 |
| Mining Engineer | \$58.60 | 25% | \$14.65 |
| Total | | 100% | 43.15 |

At an average cost of \$43.15 per hour, the estimated total annual cost for industry respondents is $8,592 \times \$43.15 = \$370,745$.

As discussed in item 12.a., there are no wage costs for state regulatory authorities under 30 CFR 816/817.151 apart from those associated with usual and customary business practices.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.151 do not involve any capital or start-up costs unique to these requirements. Mining operations already have the requisite surveying and engineering equipment as part of their usual and customary business practices. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.151 at \$100 per certification for a total annual non-wage cost of **\$35,800** (358 certifications per year x \$100 per certification). These costs consist primarily of fuel and equipment maintenance expenses for travel to the mine, drafting and office supplies, and copying and delivery expenses for providing the report to the regulatory authority.

14. Estimate of Annualized Cost to the Federal Government

The certifications submitted under 30 CFR 816/817.151 normally do not require regulatory authority or oversight review apart from the inspections that we conduct under 30 CFR 842.11, which has its own information collection budget. As discussed in item 12.a., there is no information collection burden for regulatory authorities under 30 CFR 816/817.151 other than that associated with usual and customary business practices.

15. The current OMB-approved information collection burden for 30 CFR 816/817.151 is 11,352 hours. We are now requesting 8,592 burden hours for these sections, a decrease of 2,760 hours as a result of a decrease in usage.

11,352 hours currently approved by OMB
- 2,760 hours due to an adjustment
8,592 hours requested

The current OMB-approved annual non-wage cost burden for 30 CFR 816/817.151 is \$47,300. We are now requesting \$35,800, a reduction of \$11,500 due to a decrease in usage.

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