

# Supporting Statement for Paperwork Reduction Act Submission for 30 CFR Part 786

**OMB Control Number 1029-XXX1**

## **General Instructions**

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

## **Specific Instructions**

### **A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.
2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]
3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].
4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.
5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.
6. Describe the consequence to Federal program or policy activities if the collection is

not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
  - \* requiring respondents to report information to the agency more often than quarterly;
  - \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - \* requiring respondents to submit more than an original and two copies of any document;
  - \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
  - \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
  - \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.
  
8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

9. Explain any decision to provide any payment or gift to respondents, other than

remuneration of contractors or grantees.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.
11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.
12. Provide estimates of the hour burden of the collection of information. The statement should:
  - \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
  - \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
  - \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.
13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).
  - \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

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

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

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.
15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.
16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.
17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.
18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

## **B. Collections of Information Employing Statistical Methods**

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

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the

corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:
  - \* Statistical methodology for stratification and sample selection,
  - \* Estimation procedure,
  - \* Degree of accuracy needed for the purpose described in the justification,
  - \* Unusual problems requiring specialized sampling procedures, and
  - \* Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.
4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.
5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

## Supporting Statement for 30 CFR Part 786

### Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (“we” or OSM) to request information collection authority for a new Part, 30 CFR Part 786 of the OSM permanent regulatory program.

On October 24, 1992, Congress enacted the Energy Policy Act (EPAAct), Pub. L. 102-486. Section 2503(e) of EPAAct, codified at 30 U.S.C. 1251a, focuses directly on abandoned coal refuse sites. Its objective is to facilitate the reclamation of abandoned coal refuse sites in an environmentally sound manner. Specifically it directs the Secretary of the Interior to develop regulations establishing environmental protection performance and reclamation standards and separate permit systems applicable to eligible operations for on-site reprocessing as well as eligible operations for the removal of abandoned coal refuse. The standards and permit systems need to distinguish between on-site reprocessing of coal refuse, complete removal of the abandoned coal refuse for direct use or for reprocessing at another location, and other types of surface coal mining operations. The Secretary was given the authority to devise a different standard than those set forth in Sections 515 and 516 of SMCRA and devise a separate permit system if, based on a standard-by-standard analysis, the Secretary determined that a different standard may facilitate the on-site preprocessing or removal of the coal refuse in a manner that would provide the same level of environmental protection as under section 515 and section 516.

Therefore, the Abandoned Coal Refuse Rulemaking Team developed a proposed rule that creates two new parts to the CFR in order to better organize the provisions in a clear and user-friendly fashion, and used plain language concepts where appropriate. The permitting requirements are in a new Part 786 and the performance standards are in a new Part 829.

Each section of Part 786 for which there is an information collection or record-keeping requirement is discussed separately. The responses to some items in the instructions for the supporting statement are identical for each section and these responses appear on pages 9-10 of this document.

The following tables summarize the burden associated with new 30 CFR Part 786.

**SUMMARY ANNUAL HOUR BURDEN TO RESPONDENTS FOR 30 CFR 786**

<b>SECTION</b>	<b>NUMBER OF APPLICANTS</b>	<b>HOURS PER APPLICANT</b>	<b>NUMBER OF STATES</b>	<b>HOURS PER STATE</b>	<b>TOTAL HOURS REQUESTED</b>
786.12(a)	16	25	15	5	475
786.12(b) & (c)	16	17	15	1	287
786.12(d)	16	16	15	6	346
786.12(e)	16	35	15	20	860
786.13(a)	16	15	15	5	315
786.13(b)	16	8	15	2	158
786.13(c)	2	4	2	2	12
786.13(d)	16	40	15	20	940
786.13(e)	2	3	2	1	8
786.13(f)	16	8	15	4	188
786.13(g)	16	8	15	4	188
786.14(a)	16	60	15	40	1,560
786.14(b)	16	10	15	5	235
786.14(c)	16	25	15	10	550
786.14(d)	8	30	8	5	280
786.14(e)	16	30	15	20	780
786.15	16	75	15	50	1,950
786.16	16	30	15	20	780
786.17	16	30	15	10	630
<b>TOTAL</b>	<b>16</b>	<b>469</b>	<b>15</b>	<b>230</b>	<b>10,542</b>

**SUMMARY ANNUAL NON-WAGE COST TO RESPONDENTS FOR 30 CFR 786**

<b>SECTION</b>	<b>NUMBER OF APPLICANTS</b>	<b>COST PER APPLICANT</b>	<b>TOTAL COSTS</b>
786.12(a)	16	50	800
786.12(b) & (c)	16	50	800
786.12(d)	16	50	800
786.12(e)	16	50	800
786.13(a)	16	50	800
786.13(b)	16	50	800
786.13(c)	2	100	200
786.13(d)	16	120	1,920
786.13(e)	2	20	40
786.13(f)	16	100	1,600
786.13(g)	16	200	3,200
786.14(a)	16	600	9,600
786.14(b)	16	25	400
786.14(c)	16	300	4,800
786.14(d)	8	25	200
786.14(e)	16	145	2,320
786.15	16	2,000	32,000
786.16	16	1,000	16,000
786.17	16	30	480
<b>TOTAL</b>	<b>16</b>	<b>4,848</b>	<b>77,560</b>



### Identical Answers to Statements

3. This information is unique to each applicant and mining area. Respondents are individual mining companies who apply for permits on an as-needed basis. OSM continues to work with State regulatory authorities and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in several states to increase the use of electronic and information technology to improve efficiency and reduce the time and cost burden to permit applicants and State regulatory authorities, with approximately 33 % of respondents submitting electronically. However, OSM cannot require permit applicants to submit electronically, or State regulatory authorities to accept receipt of applications through electronic means.
4. The information requested under 30 CFR Part 786 is time-sensitive and unique to each site. Duplication is minimal to nonexistent. Except as discussed in the supporting statements for 30 CFR 786.16, we are not aware of any other federal agency that collects the information required under this part. OSM is the only federal agency charged with implementation of sections 507 and 508 of the Act.
5. There are no special regulatory provisions for small organizations. However, small organizations may be eligible for assistance under the Small Operators Assistance Program (SOAP) at 30 CFR Subchapter H.
6. Information required in Part 786 provides the basis for SMCRA permitting decisions by State regulatory authorities. Information required under Part 786 is provided at the time of application and is, therefore, not collected on a periodic basis.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded.
8. In June 2005, OSM anticipates publishing the Abandoned Coal Refuse Remining proposed rule which will seek comments on the information collection activities for new 30 CFR Parts 786 and 829. Much of the burden estimates for this collection request was derived from Part 780 which was last approved in October 2002.
9. Not applicable. No payments or gifts were made to respondents.
10. Not applicable. In general, confidential information is not provided. However, the permit applicant may request that certain portions of the application be held confidential for certain business or other reasons, such as coal reserves in the planned mining area or to protect the location of archeological resources on public and Indian lands. These requests are handled in accordance with the procedures provided for in 30 CFR §773.13(d).
11. Not applicable. Sensitive questions are not asked.
16. Not applicable. OSM has no plans to publish the information.

17. Not applicable. Each State regulatory authority develops its own format for the collection of information.

18. Not applicable. There are no exceptions to the certification of the OMB 83-I.

B. Collections of Information Employing Statistical Methods

This section is not applicable. Statistical methods were not used.

## Supporting Statement for Reporting Requirements of § 786.12(a)

### A. Justification

1. Sections 507 and 508 of the Surface Mining Control and Reclamation Act of 1977 (Act) require that the permit application for coal refuse remining operations contain adequate descriptions of the premining environmental resources and cultural, historic, and archeological values existing within the permit area and adjacent areas. Section 507(b)(12) of the Act also requires the permit application to contain a statement of climatological factors peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges, if requested, by the regulatory authority.

The information required of an applicant is needed by the regulatory authority to determine the premining condition of the permit area and adjacent areas so that these resources and values may be protected from any adverse effects of surface coal mining.

2. The proposed regulations at 30 CFR 786.12(a) require the permit applicant for abandoned coal refuse remining operations to provide information required by §§ 779.11, 779.12, and 779.18. This information includes:
  - a. A description of the existing premining environmental resources within the proposed permit area and adjacent areas that may be affected or impacted by the proposed surface mining activities.
  - b. A description of the surface coal mining operation, its size, and the sequence and timing of the operation. It further requires the identification of cultural, historic and archeological values that may be lost to man. This information entails:

(1)--The lands subject to coal refuse remining operations over the estimated life of those operations and the size, location and timing of each phase of the operation. This information is necessary to determine the impact of the coal mining operation, its physical boundaries and reclamation and operational impacts over the estimated life of the surface coal mining operation. This allows for the identification of critical environmental impacts, physical impacts, the degree and timing of specific impacts and the identification of operational impacts. It allows the operator, the regulatory authority and the public to identify potential adverse impacts to human safety, health and welfare as well as to the environment. It provides the necessary data to identify, over time, cumulative impacts and allows for the design of necessary remedial actions and operational changes.

(2) -- Identification of cultural, historic, and archeological data essential to

identify, evaluate, and prevent impacts on retrievable national, regional, local and cultural resources. This information is essential in preventing the loss of artifacts necessary to understand and study man's historic development. Most of the information is a summary of existing data available at state and federal agencies. The archeological data not available can only be delivered through site-specific surveys.

- c. When requested by the State regulatory authority, that the application contain a statement of the climatological factors that are representative of the proposed permit area including: average seasonal precipitation, average direction and velocity of prevailing winds, and seasonal temperature ranges. This information may be needed by the regulatory authority to determine whether the applicant will be able to comply with the performance standards of topsoil, roads, hydrologic balance, sedimentation ponds, disposal of excess spoil, coal waste, backfilling and grading, revegetation and postmining land use.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
- 10 See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 25 hours to complete this portion of the remining application. Therefore,

16 remining applications x 25 hours per response = 400 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 5 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 5 hour per review = 75 hours.

Total burden for all respondents is **475 hours**.

#### b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 25 hours x \$60 per hour = \$1,500, or \$24,000 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 5 hours = \$2,250. The total wage cost to all respondents is \$26,250.

### 13. Total Annual Cost Burden to Respondents:

#### a. Capital and Start-up Costs

Non-labor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

#### b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

### 14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.12 for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 5 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$600.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remining operation for lands and operations for which OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.12(a) will be \$150 (1 findings x 5 hours per finding x

\$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 600 Oversight  
+ \$ 150 Federal Programs  
\$ 750 Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 25 hours each to prepare the requirements for 30 CFR 786.12(a). State regulatory authorities will review 15 applications, requiring 5 hours each to review. Therefore, this collection request seeks OMB approval for **475 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.12(b) and (c)

### A. JUSTIFICATION

1. 30 CFR 786.12(b), as required by sections 507(b) and 508(a)(2)(B) of the Act, states that the permit application shall contain photographs and a narrative of the vegetative cover prior to redisturbance. 30 CFR 786.12(c) requires the applicant to provide adequate information on soil or other vegetation-support material to assure the State regulatory authority that reclamation can be achieved.
2. The State regulatory authority uses the information to determine whether there exists endangered or threatened species, as well as long and short-term reduction of productivity and capability of the land involved. The data also establishes a means of documenting bond release standards and identifying critical habitats of other dependent biota.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 17 hours to complete this portion of the remining application. Therefore,

16 remining applications x 17 hours per response = 272 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 1 hour to review this section of the remaining application. We believe that there will be 15 remaining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 1 hour per review = 15 hours.

Total burden for all respondents is **287 hours**.

#### b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remaining permit applicant would be 1 application x 17 hours x \$60 per hour = \$1,020, or \$16,320 for all remaining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 1 hour = \$450. The total wage cost to all respondents is \$16,770.

#### 13. Total Annual Cost Burden to Respondents:

##### a. Capital and Start-up Costs

Non-labor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

##### b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

#### 14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.12(b) and (c) for the first few years after promulgation of the final Abandoned Coal Refuse Remaining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 1 hour, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$120.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remaining operation for lands and operations for which OSM is the regulatory authority, requiring 1 hour to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.12(b) and (c) will be \$30 (1 finding x 1 hour per finding



x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 120 Oversight  
+ \$ 30 Federal Programs  
\$ 150 Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 17 hours each to prepare the requirements for 30 CFR 786.12(b) and (c). State regulatory authorities will review 15 applications, requiring 1 hour each to review. Therefore, this collection request seeks OMB approval for **287 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.12(d)

### A. JUSTIFICATION

1. Section 507(b) of the Act, requires that the permit application include maps locating all boundaries, structures, roads, parks, historical sites, cemeteries, or Indian burial grounds in the permit area and the affected area.

2. The use of the information in § 786.12(d) is as follows:

(a) maps to show all boundaries of lands and names of present owners of record, both surface and subsurface included in or contiguous to the permit area. This information should be readily available to the applicant, since the information would be a normal part of the database associated with any mine operation. Such information is typically required as part of complying with legal requirements regarding proper title to the resources and lands in question. Because of the site-specific nature of the information, it is generally reported for individual mines, or particular operations.

(b) requires the maps to show the boundaries of land and wetlands within the proposed permit area upon which the applicant has the legal right to enter and begin mining activities. This information is part of the existing information associated with any coal mining operation, and is used to comply with the requirements of local land and resource managing agencies, as well as in other activities associated with coal mining operations.

(c) requires maps to show the boundaries of all areas including wetlands proposed to be affected over the estimated life of the proposed surface mining activities with a description of the size, sequence and timing of the mining of sub-areas for which it is anticipated that additional permits will be sought. The information requested is part of the general plan of operations that is developed by a mine operator to manage the progress of mining activity. The information can be used by regulatory authorities to pre-plan for the processing of additional permits, thereby reducing administrative costs of the operator and to the regulatory authority.

(d) location of all buildings in and within 300 feet of the proposed permit area, with identification of the current use of the buildings for operators which do not plan to blast, or within 1000 feet for those operators intending to blast. The information is used by the regulatory authority to assure that, where appropriate, such structures will not be disturbed or destroyed by the proposed mining activity. The information is site specific to the permit area and should be easily available. The costs of assembling it should be minor.

(e) location of surface and sub-surface man-made features within, passing through, or passing over the proposed permit area, including, but not limited to major electric transmission lines, pipelines, and agricultural drainage tile fields. The information

requested is used by the regulatory authority to assure that where appropriate, such structures will not be disturbed or destroyed by the proposed mining activity. Existing maps and other descriptive material would normally be used by the applicant to comply with this information requirement.

(f) location of water supply intakes for current users of surface water flowing into, out of, and within a hydrologic area defined by the regulatory authority and those surface waters which will receive discharges from affected areas in the proposed permit area. This information is used by the regulatory authority to assure compliance with the Act's provisions mandating protection of water quality, of wetlands and the overall hydrologic balance and integrity of the mine permit area and areas which may be affected by activities on the permit area. Normally, the information would be developed through site-specific surveys that would allow information concerning hydrology to be developed. In larger areas, existing aquifers would be known, and their general hydrologic characteristics described in records maintained by such agencies as state water resources agencies. This information should be readily available to applicants, but site-specific data may have to be developed to supplement this information for submission to the regulatory authority.

(g) identification on a map of each public road located within 100 feet of the proposed permit area. The information is used by the regulatory authority to assure that mining activity does not occur within 100 feet of these roads, since such activity is prohibited by section 522(e)(4) of the Act. The information should be readily available, and part of the required database for conducting any mining activity.

(h) identification of the boundaries of any public park and locations of any cultural or historical resources listed or eligible for listing in the National Register of Historic places as well as any known archeological sites within the permit and adjacent areas. The information is used to assure that the planned operation does not conflict with the requirement of Section 522(e)(3) of the Act that prohibits such activities. As a rule, the information should be available from local or state agencies, such as the State Historic Preservation Office. Such maps may be submitted as overlays to other maps, thus reducing the cost of submitting the information.

(i) location of a cemetery in or within 100 feet of the proposed permit area. This information is used by the regulatory authority to assure that mining activities do not knowingly disturb such sites without proper considerations.

(j) identification on a map of any land within the proposed permit area which is within the boundaries of any units of the National Trails System or the Wild and Scenic Rivers system. The information is used by the regulatory authority to assure compliance with Section 507(b)(13) of the Act. Normally, much of the information would be readily available to the applicant through county, state, or federal records systems. The incidence of submittal should be relatively low, since mining activities adjacent to the Trails or the Wild and Scenic Rivers system is not a typical

occurrence.

3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 16 hours to complete this portion of the remining application. Therefore,

16 remining applications x 16 hours per response = 256 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 6 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 6 hours per review = 90 hours.

Total burden for all respondents is **346 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 16 hours x \$60 per hour = \$960, or \$15,360 for all remining applicants. In addition, using \$30 per hour for State regulatory

authorities, the annual cost would be 15 applications x \$30 x 6 hours = \$2,700. The total wage cost to all respondents is \$18,060.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Non-labor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.12(d) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 6 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$720.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remining operation for lands and operations for which OSM is the regulatory authority, requiring 1 hour to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.12(d) will be \$180 (1 finding x 6 hours per finding x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 720	Oversight
+ \$ 180	Federal Programs
\$ 900	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remining operations, requiring 16 hours each to prepare the requirements for 30 CFR 786.12(d). State regulatory authorities will review 15 applications, requiring 6 hours each to review. Therefore, this collection request seeks OMB approval for **346 hours**.

16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.12(e)

### A. Justification

1. Section 786.12(e), in accordance with section 507(b) of the Act, requires cross sections, maps, and plans for water quality and quantity, coal seam analysis, underground mine workings, and the location of oil and gas wells.
2. Since the issuance of this rule in 1979, significant technological improvements have been made available to the regulatory authorities. Most relevant is OSM's Technical Innovation and Professional Services (TIPS) software and data analysis capabilities which have been provided to each regulatory authority and which allow premining slopes to be computed.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 35 hours to complete this portion of the remining application. Therefore,

16 remining applications x 35 hours per response = 560 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 20 hours to review

this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 20 hours per review = 300 hours.

Total burden for all respondents is **860 hours**.

b. Annual Wage Cost to Respondents:

At \$60 per hour, the annual cost for each permit applicant is 35 hours x \$60 per hour = \$2,100, or \$33,600 for all permit applicants. At \$30 per hour, the annual cost to State regulatory authorities is 20 hours x \$30 per hour = \$600. Assuming that States review 15 applications, the total burden for States to review this portion of the remining application is \$9,000. The total cost for all respondents is \$42,600.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.12(e) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 20 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$2,400.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remining operation for lands and operations for which OSM is the regulatory authority, requiring 20 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.12(e) will be \$600 (1 finding x 20 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.



Total Federal Cost

\$2,400 Oversight  
+ \$ 600 Federal Programs  
\$3,000 Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 35 hours each to prepare the requirements for 30 CFR 786.12(e). State regulatory authorities will review 15 applications, requiring 20 hours each to review. Therefore, this collection request seeks OMB approval for **860 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.13(a)

### A. Justification

1. The proposed regulations at 30 CFR § 786.13(a), in accordance with Sections 507(b)(7) and 508(a)(5) of the Act, requires the permit applicant to provide a description of the mining operations to be conducted within the permit area that includes the type and method of coal mining techniques to be used and a narrative explaining construction, maintenance and use of facilities.
2. Paragraph (1) requires a narrative description of the mining methods, engineering techniques, and major equipment planned for use in the operation, and a description of the anticipated production of the mine.

Paragraph (2) requires a narrative description of the planned use of certain listed facilities, including construction, modification, maintenance, and removal of such facilities.

This information is necessary to enable the regulatory authority to evaluate the cumulative impact of the proposed operations on the resources of the area, including the hydrologic balance, land, vegetation, and fish and wildlife. In addition, this information will aid the regulatory authority in determining whether the applicant can meet the applicable performance standards of this Chapter.

3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.

12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 15 hours to complete this portion of the remining application. Therefore,

16 remining applications x 15 hours per response = 240 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 5 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 5 hours per review = 75 hours.

Total burden for all respondents is **315 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each permit applicant would be 1 application x 15 hours x \$60 per hour = \$900, or \$14,400 for all permit applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 5 hours = \$2,250. The total wage cost to all respondents is \$16,650.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Non-labor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with

the requirements of 30 CFR § 786.13(a) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 5 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$600.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remining operation for lands and operations for which OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.13(a) will be \$150 (1 finding x 5 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 600	Oversight
+ \$ 150	Federal Programs
\$ 750	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remining operations, requiring 15 hours each to prepare the requirements for 30 CFR 786.13(a). State regulatory authorities will review 15 applications, requiring 5 hours each to review. Therefore, this collection request seeks OMB approval for **315 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## **Supporting Statement for Reporting Requirements of § 786.13(b)**

### A. Justification

1. 30 CFR § 786.13(b), in accordance with Sections 507(b)(13) of the Act, requires the permit applicant to provide a description of each existing structure proposed to be used in the remining or reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation.
2. This regulation is necessary in order to put persons on notice of the effect of permitting and performance standards on existing structures. In the absence of such specific regulations, permit applicants would be required to submit for existing structures the information and plans required for new structures in order to demonstrate compliance with the performance and design criteria in Subchapter K. The purpose of this regulation is to require sufficient information to demonstrate that the permit applicant is either entitled to an exemption from reconstruction requirements, to ascertain the need for the existing structure, and to ensure performance standards are met for environmental and public health and safety concerns.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 8 hours to complete this portion of the remining application. Therefore,

16 remaining applications x 8 hours per response = 128 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 2 hours to review this section of the remaining application. We believe that there will be 15 remaining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 2 hours per review = 30 hours.

Total burden for all respondents is **158 hours**.

b. Annual Wage Cost to Respondents:

At \$60 per hour, the annual cost for each permit applicant is 8 hours x \$60 per hour = \$480, or \$7,680 for all permit applicants. At \$30 per hour, the annual cost to State regulatory authorities is 2 hours x \$30 per hour = \$60. Assuming that States review 15 applications, the total burden for States to review this portion of the remaining application is \$900. The total cost for all respondents is \$8,580.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 16 applications = \$800.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(b) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 2 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$240.

Federal Programs: OSM estimates that it will annually receive approximately 1 application for an abandoned coal refuse remining operation for lands and

operations for which OSM is the regulatory authority, requiring 2 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.13(b) will be \$60 (1 finding x 2 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	240	Oversight
+ \$	<u>60</u>	Federal Programs
\$	300	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 8 hours each to prepare the requirements for 30 CFR 786.13(b). State regulatory authorities will review 15 applications, requiring 2 hours each to review. Therefore, this collection request seeks OMB approval for **158 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.13(c)

### A. Justification

1. 30 CFR § 786.13(c), in accordance with Sections 507(g) of the Act, requires each applicant for a permit for surface coal mining and reclamation to submit a blasting plan that will meet the requirements of 515(b)(15). The plan must demonstrate understanding of such basic issues as schedules, preblast surveys, recordkeeping logs, distance restrictions, control of adverse effects of blasting, and use of trained, certified blasters. The applicant must also describe any system used to monitor compliance with the standards of Section 816.67 including the type, capability, and sensitivity of any blast-monitoring equipment and proposed procedures and locations of monitoring, and blasting near underground mines.
2. This plan provides the regulatory authority with information demonstrating how the operator intends to comply with the performance standards. These standards establish limits for maximum airblast, flyrock, and ground vibration resulting from blasting. If it were not collected, there would be no way to comply with the law.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, OSM anticipates only 2 abandoned coal refuse remining operations will conduct blasting, with each applicant requiring 4 hours to complete the blasting plan for the remining application. Therefore,



2 blasting plans x 4 hours per response = 8 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 2 hours to review this section of the remining application. We believe that there will be 2 remining applications with blasting plans submitted annually in primacy states and none in Federal program states. Therefore, we estimate that the burden to State regulatory authorities is 2 applications x 2 hours per review = 4 hours.

Total burden for all respondents is **12 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each permit applicant would be 1 application x 4 hours x \$60 per hour = \$240, or \$480 for all permit applicants submitting blasting plans. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 2 x \$30 x 2 hours = \$120. The total wage cost to all respondents is \$600.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

An additional nonlabor cost for each respondent of \$100 may be included for blasting plan costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$100 x 2 blasting plans = \$200.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(c) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 1 oversight review and that each review of this section requires an average of 2 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$60.

Federal Programs: OSM estimates that it will not receive any applications for an abandoned coal refuse remining operation with blasting plans for lands and operations for which OSM is the regulatory authority. There are no significant non-

wage costs associated with preparing these findings.

Total Federal Cost

\$	60	Oversight
+ \$	0	Federal Programs
\$	60	Total Federal Cost

15. OSM estimates that 2 operators will submit applications for abandoned coal refuse remaining operations with blasting plans, requiring 2 hours each to prepare the requirements for 30 CFR 786.13(c). State regulatory authorities will review 2 applications, requiring 2 hours each to review. Therefore, this collection request seeks OMB approval for **12 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.13(d)

### A. Justification

1. 30 CFR § 786.13(d), in accordance with Sections 507(b)(13) and (14) of the Act, requires each applicant to submit maps and plans of the proposed remining operation and adjacent areas.
2. Accurate maps and plans are needed by the regulatory authority to determine whether the applicant can meet the performance standards of Part 816. This information will give the regulatory authority an overview of the entire operation to supplement the information on plans for the proposed permit area. This information is necessary in order to assess the cumulative impacts of the entire mining operation, to ensure high quality planning and design required in the application. If the information were not collected, there would be no way to comply with the law.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 40 hours to complete this portion of the remining application. Therefore,

16 remining applications x 40 hours per response = 640 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 20 hours to review this section of the remaining application. We believe that there will be 15 remaining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 20 hours per review = 300 hours.

Total burden for all respondents is **940 hours**.

b. Annual Wage Cost to Respondents:

At \$60 per hour, the annual cost for each permit applicant is 40 hours x \$60 per hour = \$2,400, or \$38,400 for all permit applicants. At \$30 per hour, the annual cost to State regulatory authorities is 20 hours x \$30 per hour = \$600. Assuming that States review 15 applications, the total burden for States to review this portion of the remaining application is \$9,000. The total cost for all respondents is \$47,400.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$120 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$120 x 16 maps/plans = \$1,920.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(d) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 20 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$2,400.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 20 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.13(d) will be \$600 (1 finding x 20 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 2,400	Oversight
+ \$ 600	Federal Programs
\$ 3,000	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 40 hours each to prepare the requirements for 30 CFR 786.13(d). State regulatory authorities will review 15 applications, requiring 20 hours each to review. Therefore, this collection request seeks OMB approval for **940 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.13(e)

### A. Justification

1. 30 CFR § 786.15, in accordance with Sections 507(b)(12), 508(a)(9) and 515(b)(4) and 517 of the Act, requires the operator to establish an air quality monitoring program to evaluate the effectiveness of fugitive dust control practices. This monitoring program is required at all surface mining operations with a proposed production rate exceeding one million tons per year and located west of the 100<sup>th</sup> meridian west longitude.
2. This section is necessary to ensure that the operators are taking appropriate steps to stabilize and protect all exposed surface areas in order to effectively control erosion and resulting air pollution.

The requirement in § 786.13(b) is collected at the discretion of the regulatory authorities for an applicant with a proposed production rate less than one million tons per year or located east of the 100<sup>th</sup> meridian and is not mandated by these regulations, and is covered under the performance standards contained in proposed § 829.95.

3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, OSM anticipates that only 2 abandoned coal refuse remining applications will contain an air pollution control plan, with each applicant requiring 3 hours to complete the

blasting plan for the remaining application. Therefore,

2 air pollution control plans x 3 hours per response = 6 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 1 hour to review this section of the remaining application. We believe that there will be 2 remaining applications with air pollution control plans submitted annually in primacy states and none in Federal program states. Therefore, we estimate that the burden to State regulatory authorities is 2 applications x 1 hour per review = 2 hours.

Total burden for all respondents is **8 hours**.

#### b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each permit applicant would be 1 application x 3 hours x \$60 per hour = \$180, or \$360 for all permit applicants submitting this information. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 2 applications x \$30 x 1 hour = \$60. The total wage cost to all respondents is \$420.

### 13. Total Annual Cost Burden to Respondents:

#### a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$20 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$20 x 2 applications = \$40.

#### b. Operation, Maintenance and Services:

Operations and maintenance costs are associated with requirements found in 30 CFR 816.

### 14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(e) for the first few years after promulgation of the final Abandoned Coal Refuse Remaining Rule. Assuming that OSM conducts 1 oversight review and that the review of this section requires an average of 2 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$60.

Federal Programs: OSM estimates that it will not receive any applications which

will contain an air pollution control plan. There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	60	Oversight	
+	\$	0	Federal Programs
\$	60	Total Federal Cost	

15. OSM estimates that 2 operators will submit applications for abandoned coal refuse remaining operations with air pollution control plans, requiring 3 hours each to prepare the requirements for 30 CFR 786.13(e). State regulatory authorities will review 2 applications, requiring 1 hour each to review. Therefore, this collection request seeks OMB approval for **8 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.



## Supporting Statement for Reporting Requirements of § 786.13(f)

### A. Justification

1. 30 CFR § 786.13(f), in accordance with Sections 508(a)(13) of the Act, requires a plan of how the operator will minimize disturbances and adverse impacts to fish, wildlife and related environmental values and achieve enhancement, where applicable. Maps showing each facility to be used to protect and enhance fish and wildlife and locations of wildlife monitoring points shall be included.
2. This information is needed by the regulatory authority to ensure minimal disturbance and adverse impacts on fish and wildlife and related environmental values during the mining activities. If it were not collected, there would be no way to comply with the law.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, OSM anticipates that 16 abandoned coal refuse remining applications will submit the information required for this section, with each applicant requiring 8 hours to complete this portion of the remining application. Therefore,

16 fish and wildlife plans x 8 hours per response = 128 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 4 hours to review this section of the remining application. We believe that there will be 15 remining applications with fish and wildlife plans submitted annually in primacy states and 1 in Federal program states. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 4 hours per review = 60 hours.

Total burden for all respondents is **188 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each permit applicant would be 1 application x 8 hours x \$60 per hour = \$480, or \$7,680 for all permit applicants submitting this information. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 applications x \$30 x 4 hours = \$1,800. The total wage cost to all respondents is \$9,480.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$100 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$100 x 16 applications with fish and wildlife plans = \$1,600.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(f) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 4 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$480.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 4 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.13(f) will be \$120 (1 finding x 4 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$ 480 Oversight  
+ \$ 120 Federal Programs  
\$ 600 Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 8 hours each to prepare the requirements for 30 CFR 786.13(f). State regulatory authorities will review 15 applications, requiring 4 hours each to review. Therefore, this collection request seeks OMB approval for **188 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.13(g)

### A. Justification

1. 30 CFR § 786.13(g), in accordance with Sections 522(e)(1), (2), and (3) of the Act, requires the permit applicant to describe measures to minimize or prevent adverse impacts to national forests, public parks and historic places.
2. This information will enable the regulatory authority to determine whether coal mining would adversely affect a publicly owned park or any publicly owned place included in the National Register of Historic Places. If such a park or historical place were affected, the regulatory authority would notify the agency with jurisdiction over that park or place to review and approve/disapprove a permit for the coal mining operation.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 8 hours to complete this portion of the remining application. Therefore,

16 remining applications x 8 hours per response = 128 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 4 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 4 hours per review = 60 hours.

Total burden for all respondents is **188 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 8 hours x \$60 per hour = \$480, or \$7,680 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 4 hours = \$1,800. The total wage cost to all respondents is \$9,480.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$200 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$200 x 16 applications = \$3,200.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.13(g) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 4 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$480.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 4 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.13(g) will be \$120 (1 finding x 4 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	480	Oversight
+ \$	<u>120</u>	Federal Programs
\$	600	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 8 hours each to prepare the requirements for 30 CFR 786.13(g). State regulatory authorities will review 15 applications, requiring 4 hours each to review. Therefore, this collection request seeks OMB approval for **188 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.14(a)

### A. Justification

1. 30 CFR § 786.14(a), in accordance with Sections 507(b), 508(a), and 515(b) of the Act, requires that each application shall contain a plan detailing reclamation of the lands within the proposed permit area to be submitted by the permit applicant.
2. Detailed information is required to enable the regulatory authority to determine whether the proposed remaining operation will be conducted in compliance with the performance standards contained in Subchapter K of these regulations and to make the findings required to issue a permit. The required information includes a detailed timetable for the completion of each major step in the reclamation plan and a detailed estimate of the cost of reclamation together with supporting calculations, and is necessary for the regulatory authority to determine the amount of the bond. Information includes plans for spoil handling, soil replacement, revegetation, conservation of the coal resource, acid/toxic material handling, combustible material handling, sealed or managed mine openings complying with the Clean Air Act and the Clean Water Act.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.

12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 60 hours to complete this portion of the remining application. Therefore,

16 remining applications x 60 hours per response = 960 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 40 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 40 hours per review = 600 hours.

Total burden for all respondents is **1,560 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 60 hours x \$60 per hour = \$3,600, or \$57,600 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 40 hours = \$18,000. The total wage cost to all respondents is \$75,600.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$600 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$600 x 16 applications = \$9,600.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with



the requirements of 30 CFR § 786.14(a) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 40 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$4,800.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 40 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.14(a) will be \$1,200 (1 finding x 40 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	4,800	Oversight
+ \$	<u>1,200</u>	Federal Programs
\$	6,000	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remining operations, requiring 60 hours each to prepare the requirements for 30 CFR 786.14(a). State regulatory authorities will review 15 applications, requiring 40 hours each to review. Therefore, this collection request seeks OMB approval for **1,560 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## **Supporting Statement for Reporting Requirements of § 786.14(b)**

### **A. Justification**

1. § 786.14(b) fulfills SMCRA Section 508(a)(2)(A), (B), and (C), (a)(3), and (a)(4) by requiring a narrative of the operator's reclamation plan, including postmining land uses, and consideration to the surface owner plans and State land use plans.
2. The information in § 786.14(b) will be used to aid the regulatory authority in making decisions on proposed postmining land use. The analysis required should discuss and compare the information required to be submitted under sections dealing with land use information and general reclamation requirements. This will provide the basis for a complete evaluation of the projected impacts of proposed mining and reclamation on the land-use capabilities of the area affected. This section also requires the application to include the surface owner's and local government land agency's comments on the proposed use of the land. Information from this section is used by the regulatory authority to evaluate the proposed postmining land uses and to assess the compatibility of the proposed land use with the existing land use policies and plans.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 10 hours to complete this portion of the remining application. Therefore,

16 remaining applications x 10 hours per response = 160 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 5 hours to review this section of the remaining application. We believe that there will be 15 remaining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 5 hours per review = 75 hours.

Total burden for all respondents is **235 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remaining permit applicant would be 1 application x 10 hours x \$60 per hour = \$600, or \$9,600 for all remaining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 5 hours = \$2,250. The total wage cost to all respondents is \$11,850.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$25 x 16 applications = \$400.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.14(b) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 5 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$600.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory

authority, requiring 5 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.14(b) will be \$150 (1 finding x 5 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	600	Oversight
+ \$	<u>150</u>	Federal Programs
\$	750	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations, requiring 10 hours each to prepare the requirements for 30 CFR 786.14(b). State regulatory authorities will review 15 applications, requiring 5 hours each to review. Therefore, this collection request seeks OMB approval for **235 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.14(c)

### A. Justification

1. 30 CFR § 786.14(c), in accordance with Sections 507(b)(14), 508(a), 510(b), 515(b) (8), (10), (11), (21), and (f) of the Act, requires the submission of detailed design plans for each proposed water-holding structure and facility by cross-referencing § 780.25. These plans, which cover the construction, operation, maintenance and removal of the proposed facilities, are needed to provide the regulatory authority with comprehensive and reliable information on each structure.
2. The information of records required by each specific paragraph of this section, cross-referenced to § 780.25 is used as follows:

Paragraph (a) -- this paragraph requires a general plan and a detailed design plan for all water-holding facilities, e.g., sedimentation ponds, waste banks or dams, and water impoundments. Each plan must be prepared and certified by designated professionals. The information is used by the regulatory authority to analyze the effect of the structures on human safety, property and the environment and to see that these values are properly protected.

Paragraph (b) specifies the design and plan requirements that must be submitted for permanent and temporary impoundments that are included in the design plan. These plans are to be reviewed in every case by the regulatory authority to determine that the impoundments meet the performance standards of Section 515(b)(8) of the Act and that the structures are safe.

Paragraph (d) specifies the design and plan requirements that must be submitted for coal waste banks. These plans are reviewed in every case by the regulatory authority to determine that the structure is stable and are not a hazard to the environment.

Paragraph (e) specifies the design and plan requirements for coal processing waste dams and embankments. This includes the results of a geotechnical investigation of the proposed dam or embankment foundation area. The results of the foundation investigation are used by the regulatory authority to assure the ability of the site to support the structure and that the structure is safely constructed to protect the public.

Paragraph (f) specifies the requirement to include a stability analysis for each water-holding structure that is 20 feet or higher or impounds more than 20 acres of water. This information is needed by the regulatory authority to review and approve the final design of the structure. The regulatory authority also needs the information in order to have a full understanding of the project and to determine the safety, adequacy, and suitability of the final design before granting approval of the design.

3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 25 hours to complete this portion of the remining application. Therefore,

16 remining applications x 25 hours per response = 400 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 10 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 10 hours per review = 150 hours.

Total burden for all respondents is **550 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 25 hours x \$60 per hour = \$1,500, or \$24,000 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 10 hours = \$4,500. The total wage cost to all respondents is \$28,500.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$300 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$300 x 16 applications = \$4,800.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.14(c) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 10 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$1,200.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.14(c) will be \$300 (1 finding x 10 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	1,200	Oversight
+ \$	300	Federal Programs
\$	1,500	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remining operations, requiring 25 hours each to prepare the requirements for 30 CFR 786.14(c). State regulatory authorities will review 15 applications, requiring 10 hours each to review. Therefore, this collection request seeks OMB approval for **550 hours**.

16. See Identical Answers to Statements.

17. See Identical Answers to Statements.

18. See Identical Answers to Statements.

B. See Identical Answers to Statements.



## Supporting Statement for Reporting Requirements of § 786.14(d)

### A. Justification

1. 30 CFR § 786.14(d), in accordance with Sections 507(b)(14) and 515(b)(12) of Act, requires abandoned coal refuse remining operators, mining within 500 feet of an underground mine, to file an application describing the measures to be used to protect the underground mine workings in comply with the performance standards contained in 30 CFR 816.79.
2. This information is the basis for the regulatory authority to ensure compliance with the requirement of 30 CFR 816.79.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 8 surface coal mining permit applications for abandoned coal refuse remining operations within 500 feet of an underground mine, with each applicant requiring 30 hours to complete this portion of the remining application. Therefore,

8 remining applications x 30 hours per response = 240 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 5 hours to review this section of the remining application. We believe that there will be 8 remining

applications annually in primacy states and none in Federal program states annually that remine within 500 feet of underground mines. Therefore, we estimate that the burden to State regulatory authorities is 8 applications x 5 hours per review = 40 hours.

Total burden for all respondents is **280 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 30 hours x \$60 per hour = \$1,800, or \$14,400 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 8 x \$30 x 5 hours = \$1,200. The total wage cost to all respondents is \$15,600.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$25 x 8 applications = \$200.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.14(d) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 1 oversight review and that the review of this section requires an average of 5 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$150.

Federal Programs: OSM estimates that it will not receive an application for an abandoned coal refuse remining operation within 500 feet of an underground mine for which OSM is the regulatory authority.

Total Federal Cost

\$	150	Oversight
+ \$	<u>0</u>	Federal Programs
\$	150	Total Federal Cost

15. OSM estimates that 8 operators will submit applications for abandoned coal refuse remaining operations which include information for this section. Each operator will require 30 hours to prepare the requirements for 30 CFR 786.14(d). State regulatory authorities will review 8 applications, requiring 5 hours each to review. Therefore, this collection request seeks OMB approval for **280 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.14(e)

### A. Justification

1. 30 CFR § 786.14(e), in accordance with Sections 507(b)(7) and 508(a)(5) of the Act, requires a description of diversions to be constructed within the proposed permit area to enable the regulatory authority to determine how stream channels, overland flow, and shallow ground-water flow will be controlled.
2. This information is needed by the regulatory authority to determine the methods used by the applicant in the construction of diversions to control stream channels, overland, and shallow ground water flow. This will provide information to the regulatory authority to determine if proposed diversions are in compliance with applicable regulations.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 30 hours to complete this portion of the remining application. Therefore,

$$16 \text{ remining applications} \times 30 \text{ hours per response} = 480 \text{ hours.}$$

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 20 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 20 hours per review = 300 hours.

Total burden for all respondents is **780 hours**.

#### b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 30 hours x \$60 per hour = \$1,800, or \$28,800 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 20 hours = \$9,000. The total wage cost to all respondents is \$37,800.

### 13. Total Annual Cost Burden to Respondents:

#### a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$145 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$145 x 16 applications = \$2,320.

#### b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

### 14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.14(e) for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 20 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$2,400.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 20 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.14(e) will be \$600 (1 finding x 20 hours per review x \$30 per hour). There are no significant non-wage

costs associated with preparing these findings.

Total Federal Cost

\$	2,400	Oversight
+ \$	<u>600</u>	Federal Programs
\$	3,000	Total Federal Cost

15. OSM estimates that 15 operators will submit applications for abandoned coal refuse remaining operations which include information for this section. Each operator will require 30 hours to prepare the requirements for 30 CFR 786.14(e). State regulatory authorities will review 15 applications, requiring 20 hours each to review. Therefore, this collection request seeks OMB approval for **780 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.15

### A. Justification

1. 30 CFR § 786.15, in accordance with Sections 507(b)(11) and (14), 508(a)(3), 516(b)(4), (9), and (12), 517(b)(2), and 717(b) of the Act, requires the collection and analysis of hydrologic information by the applicant. This information is needed for the regulatory authority to determine whether the proposed remaining operation will be conducted in compliance with the performance standards contained in Subchapter K of these regulations and to make the necessary findings to issue a permit. This section specifies the information used to gain an understanding of conditions as they exist prior to remaining so that changes can be predicted prior to remaining and detected throughout the life of the operation. Collection of this information allows steps to be taken to minimize impacts and to plan for remedial and restorative measures.
2. Use of information of records required by each specific paragraph of this section is as follows:

Paragraph (a) -- This paragraph requires an applicant to provide:

(1) Baseline hydrologic information, including the location and ownership of existing wells, springs, and other ground-water resources, alternative water supplies if the hydrologic analysis shows that the existing sources of ground water or surface water that are being used prior to mining may be contaminated, interrupted or reduced as a result of the proposed mining operation;

(2) The probable hydrologic consequences (PHC) upon the quantity and quality of ground water and surface water under seasonal flow in the proposed permit and adjacent areas. It will be used by the regulatory authority to evaluate whether the operation has been designed to minimize disturbances to the hydrologic balance both within and outside the permit area and to prevent material damage to the hydrologic balance outside the point area. This assessment will be used by the operator to design the mining operation and reclamation plans, to protect the water rights of others and by the regulatory authority as part of the cumulative hydrologic impact assessment. This information is not collected by other Federal agencies.

(3) A ground- and surface-water monitoring plan for the proposed mining operation and to submit periodic monitoring data to the regulatory authority. This monitoring information is mine-specific and would not generally be available elsewhere.

(4) A hydrologic reclamation plan with maps and descriptions to minimize disturbances to the hydrologic balance, prevents material damage outside the permit area, protect water rights of present water users, avoid acid and toxic

drainage and prevent additional contributions to suspended solids to stream flow.

Paragraph (b) -- This paragraph requires an applicant to provide:

(1) A determination of the (PHC) of expected enhancements or impacts to the hydrology based on the refuse removal operation and subsequent reclamation;

(2) Data collected for the PHC determination to comply with sampling and analyses methodologies and any relevant hydrologic information required for a point-source discharge permit;

(3) A hydrologic reclamation plan with maps and descriptions.

3. See Identical Answers to Statements.
4. Some of this information may be available through other Federal and State agencies and may be submitted in the respondent's application, if applicable.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 75 hours to complete this portion of the remining application. Therefore,

16 remining applications x 75 hours per response = 1,200 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 50 hours to review



this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 50 hours per review = 750 hours.

Total burden for all respondents is **1,950 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remining permit applicant would be 1 application x 75 hours x \$60 per hour = \$4,500, or \$72,000 for all remining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 50 hours = \$22,500. The total wage cost to all respondents is \$94,500.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$2,000 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$2,000 x 16 applications = \$32,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.15 for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 50 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$6,000.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 50 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.15 will be \$1,500 (1 finding x 50 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	6,000	Oversight
+ \$	<u>1,500</u>	Federal Programs
\$	7,500	Total Federal Cost

15. OSM estimates that 15 operators will submit applications for abandoned coal refuse remaining operations which include information for this section. Each operator will require 75 hours to prepare the requirements for 30 CFR 786.15. State regulatory authorities will review 15 applications, requiring 50 hours each to review. Therefore, this collection request seeks OMB approval for **1,950 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.16

### A. Justification

1. 30 CFR § 786.16, in accordance with Sections 507(b)(11), (14) and (15), and 508(13) of the Act, requires geologic and refuse information for surface mining and reclamation operations. Collection and analysis of this information by the applicant and the regulatory authority is necessary to determine the probable hydrologic consequences of the operations and any potentially acid- or toxic-forming substances that may affect the quality of the groundwater.
2. The information collected by the applicant is used in the preparation of the permit application package, whose contents are evaluated by the regulatory authority. The written record is used by the regulatory authority to verify that water quality will not be damaged by the mining operation.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.
12. a. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 30 hours to complete this portion of the remining application. Therefore,

16 remining applications x 30 hours per response = 480 hours.

### ***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 20 hours to review this section of the remaining application. We believe that there will be 15 remaining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 20 hours per review = 300 hours.

Total burden for all respondents is **780 hours**.

b. Annual Wage Cost to Respondents:

Using a rate of pay of \$60 per hour, the annual cost for each remaining permit applicant would be 1 application x 30 hours x \$60 per hour = \$1,800, or \$28,800 for all remaining applicants. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 x \$30 x 20 hours = \$9,000. The total wage cost to all respondents is \$37,800.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$1,000 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$1,000 x 16 applications = \$16,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with the requirements of 30 CFR § 786.16 for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 20 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$2,400.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 20 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.16 will be \$600 (1 finding x 20 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	2,400	Oversight
+ \$	<u>600</u>	Federal Programs
\$	3,000	Total Federal Cost

15. OSM estimates that 16 operators will submit applications for abandoned coal refuse remaining operations which include information for this section. Each operator will require 30 hours to prepare the requirements for 30 CFR 786.16. State regulatory authorities will review 15 applications, requiring 20 hours each to review. Therefore, this collection request seeks OMB approval for **780 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.

## Supporting Statement for Reporting Requirements of § 786.17

### A. Justification

1. 30 CFR § 786.17, in accordance with Sections 507(b), 508(a), 510(b) and 522 of the Act, requires each application to describe with appropriate maps and cross sections the measures to be used to protect public roads in the permit area; a complete mining and reclamation plan showing the locations of each facility and the land to be affected to include plans and drawings for each road that is used in the surface mining activities; a reclamation plan to include descriptions, plans, and drawings for each conveyor, rail system, or other transportation system or support facility that is used in the surface mining activities. This section requires the stabilization and protection of all surface areas affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution.
2. This information is necessary for the regulatory authority to ensure that the rights of present users and nearby landowners affected are protected where there is a public road relocation, the construction of a new road, or mining activity within 100 feet of public roads. From the drawings and specification, the regulatory authority must approve each road that is located in the channel of an intermittent stream or perennial stream, each road stream ford that is used as a temporary route and each alteration or relocation of a natural drainage way. These drawings and specifications are approved by the regulatory authority as being properly designed and consistent with engineering and environmental standards. This information is needed to determine that each road or approved drainage structure, and each support facility controls erosion, attendant air and water pollution, and to prevent damage to fish or wildlife or their habitat or public or private property.
3. See Identical Answers to Statements.
4. See Identical Answers to Statements.
5. See Identical Answers to Statements.
6. See Identical Answers to Statements.
7. See Identical Answers to Statements.
8. See Identical Answers to Statements.
9. See Identical Answers to Statements.
10. See Identical Answers to Statements.
11. See Identical Answers to Statements.

12. a. Burden Estimates:

***Burden on Mine Operators and Permittees***

Based on OSM estimates and contact with State regulatory authorities, there will be approximately 16 surface coal mining permit applications for abandoned coal refuse remining operations, with each applicant requiring 30 hours to complete this portion of the remining application. Therefore,

16 remining applications x 30 hours per response = 480 hours.

***Burden on State Regulatory Authorities***

OSM anticipates that the State regulatory authorities will require 10 hours to review this section of the remining application. We believe that there will be 15 remining applications annually in primacy states and 1 in Federal program states annually. Therefore, we estimate that the burden to State regulatory authorities is 15 applications x 10 hours per review = 150 hours.

Total burden for all respondents is **630 hours**.

Annual Wage Cost to Respondents:

At \$60 per hour, the annual cost for each permit applicant would be 16 application x 30 hours x \$60 per hour = \$28,800. In addition, using \$30 per hour for State regulatory authorities, the annual cost would be 15 application x \$30 x 10 hours = \$4,500. The total wage cost to all respondents is \$33,300.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$30 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$30 x 16 applications = \$480.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: OSM anticipates conducting oversight reviews of State compliance with

the requirements of 30 CFR § 786.17 for the first few years after promulgation of the final Abandoned Coal Refuse Remining Rule. Assuming that OSM conducts 4 oversight reviews and that each review of this section requires an average of 10 hours, the annual cost to the Federal government for this oversight activity at \$30 per hour is an estimated \$1,200.

Federal Programs: OSM estimates that it will receive 1 application for an abandoned coal refuse remining operation for which OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$30 per hour, the annual wage cost to the Federal government to review § 786.17 will be \$300 (1 finding x 10 hours per review x \$30 per hour). There are no significant non-wage costs associated with preparing these findings.

Total Federal Cost

\$	1,200	Oversight
+ \$	<u>300</u>	Federal Programs
\$	1,500	Total Federal Cost

15. OSM estimates that 15 operators will submit applications for abandoned coal refuse remining operations which include information for this section. Each operator will require 30 hours to prepare the requirements for 30 CFR 786.16. State regulatory authorities will review 15 applications, requiring 10 hours each to review. Therefore, this collection request seeks OMB approval for **630 hours**.
16. See Identical Answers to Statements.
17. See Identical Answers to Statements.
18. See Identical Answers to Statements.
- B. See Identical Answers to Statements.