

**Supporting Statement for Paperwork Reduction  
Act FOR 30 CFR PART 740  
OMB Control Number 1029-0027**

**General Instructions**

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

**Specific Instructions**

**A. Justification**

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*
2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]*
3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].*

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.
5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.
6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.
7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
  - \* requiring respondents to report information to the agency more often than quarterly;
  - \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - \* requiring respondents to submit more than an original and two copies of any document;
  - \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
  - \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
  - \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.
8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the

agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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

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

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.
10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.
11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.
12. Provide estimates of the hour burden of the collection of information. The statement should:

\* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

\* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

\* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

\* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

\* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a

part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

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

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

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

The agency should be prepared to justify its decision not to use

statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the OMB Form 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.
2. Describe the procedures for the collection of information including:
  - \* Statistical methodology for stratification and sample selection,
  - \* Estimation procedure,
  - \* Degree of accuracy needed for the purpose described in the justification,
  - \* Unusual problems requiring specialized sampling procedures, and
  - \* Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.
4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main

*collection of information.*

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

## Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (OSM) to request permission to continue the collection of information associated with 30 CFR Part 740 of the OSM permanent regulatory program. The regulations govern the issuance of permit applications to conduct surface coal mining and reclamation operations on Federal lands and to applications for revisions or renewals of permits. The information collection requirements contained in 30 CFR Part 740 are needed to meet the requirements of the Surface Mining Control and Reclamation Act of 1977.

This information collection was previously reviewed and approved by OMB and given clearance number 1029-0027. In the Terms of Clearance for the last approval, OMB stated that "upon the next request for OMB approval, OSM shall undertake efforts to reduce the number of copies required to be submitted by applicants to no more than one original and two copies as specified in 5 CFR part 1320.5(d)(2)(iii)." This is addressed in the Identical Responses to Statements, items 3 and 7.

### SUMMARY OF PART 740

SECTION 740	RESPONSES	HOURS PER RESPONSE	TOTAL HOURS	HOURS IN ICB	DIFFERENCE
.13(b)	20	130	2,600	2,600	0
.13(c) - (f)	20	40	800	800	0
.15	1	1	1	1	0
.19	1	1	1	1	0
TOTAL	42		3,402	3,402	0

### **Identical Responses 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 to conduct coal mining on Federal lands or operations involving leased Federal coal, and State regulatory authorities (SRA's) who must review and approve the permit applications. OSM continues to work with SRA's and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in many coal-producing states to use electronic and information technology to submit and receive permit applications which improve efficiency and reduce the time and cost burden to permit applicants and SRA's. OSM continues to actively support SRA's implementation of electronic submissions of permit applications and other reports normally prepared and submitted on paper. OSM currently estimates that 33% of applications are received electronically, with some SRA's in the early stages of electronic exchange, while others receive 100% of permit applications on CD's, DVD's or using web-based systems. OSM has been informed that submitting applications electronically saves some operator costs, the greatest cost savings is the electronic preparation of the permit application which operators have been doing for years. Although permit applicants can save reproduction costs by submitting electronically, some applicants for Federal lands permits continue to submit their packages in paper copy. In some instances this is requested by the SRA's due to a lack of advanced software to review the packages, or it is too costly to convert to an electronic system based on the few number of applications they receive annually.

For those applicants who do submit their permits electronically, usually on CD's, they see reproduction and postage savings, it significantly reduces the amount of paper generated, and fewer copies are required to be transmitted.

4. Since circumstances vary for each application, there is no other information that would satisfy the law.
5. There are no special provisions for small businesses. However, small organizations may be eligible for assistance under the Small Operator Assistance Program (SOAP).

6. The information is collected once for each application. Therefore, frequency of collection does not apply here.
7. Currently, the Federal lands regulations at 30 CFR 740.13(b) (2) state that, "(u)nless specified otherwise by the regulatory authority, seven copies of the complete permit application package shall be filed with the regulatory authority."

Further, the Tennessee and Washington state programs [942.773(b)(1) and 947.773(b)(1), respectively], which are regulated by OSM, state that "(a)ny person applying for a permit shall submit five copies of the application to the Office." All other Federal program states have a similar requirement for the number of copies.

All major coal-producing states that contain Federal lands have cooperative agreements with OSM. In those states the State regulatory authorities receive, review and approve permit applications for Federal lands. Each State-Federal cooperative agreement authorizes the SRA to receive an "appropriate number of copies." OSM is currently preparing rulemaking which will advise the SRA's that the appropriate number will be one original and two copies.

OSM is the regulatory authority in eleven Federal program states, with Tennessee and Washington actively producing coal. Currently in Tennessee, OSM requests five copies of each permit application when the application involves Federal lands, and four copies for all other lands. In the state of Washington, OSM receives approximately two permit revisions each year for a Federal lands permit. The permittee submits one copy of each revision on a DVD. All future permit applications in the state of Washington will be submitted on CD's or DVD's.

OSM is preparing rulemaking to address the number of copies required to be submitted for Federal lands, and in Federal program states. The proposed rule will be published in the fall, 2006. This rule will address OMB's concerns for the Federal lands regulations at 740.13, as well as the Tennessee program requirements at 942.773, the Washington program at 947.773, and the remaining Federal program states of California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, and South Dakota by

authorizing receipt of one original and two copies of each permit application. In addition, it will also advise SRA's that the appropriate number of application copies to be received for Federal lands under their cooperative agreement is one original and two copies.

9. Not applicable. No payments or gifts were made to respondents.
  10. Not applicable. No confidential questions are asked.
  11. Not applicable. Sensitive questions are not asked.
  16. Not applicable. OSM has no plans to publish the information.
  17. Not applicable.
  18. Not applicable. There are no exceptions to the certification of the OMB 83-I.
- B. Collections of Information Employing Statistical Methods
- Statistical methods were not needed.

Supporting Statement for Reporting Requirements  
In 30 CFR 740.13

A. Justification

1. Section 523(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), mandates that a Federal lands program be established to govern surface coal mining and reclamation operations on all Federal lands, including leased Federal coal, and that such a program incorporate all of the requirements of SMCRA. Section 506 of SMCRA requires that surface coal mining and reclamation operations be conducted in accordance with a permit issued by the regulatory authority. Section 740.13 requires information to be submitted to determine the eligibility of the applicant to conduct operations on Federal lands.
2. The requirements of 30 CFR 740.13 relate to the issuance of a permit application to conduct surface coal mining and reclamation operations on Federal lands and to an application for revision or renewal of a permit. The information reporting requirements addressed in this supporting statement are those that specifically relate to approval for an operator to mine on Federal land under a permit granted by the regulatory authority. The other more general information collection requirements pertaining to permit application submissions and providing a performance bond and proof of insurability have already been addressed in relevant sections of the 30 CFR Subchapter VII regulations and, therefore, will not be addressed here.

An application to conduct surface coal mining and reclamation operations on Federal lands or to mine Federal coal requires, in addition to the permit, the involvement of OSM and other Federal agencies to comply with a number of Federal laws. Such involvement initiates the information collection reporting requirements specific to 30 CFR 740.13(b) and the notification and consultation requirements in (c), (d), (e), and (f). The Federal laws necessitating additional information, coordination and consultation include the National Environmental Policy Act of 1969 (NEPA) and the implementing CEQ regulations at 40 CFR 1500-1508, the National Historic Preservation Act (NHPA), the Endangered Species Act, and the Mineral Leasing Act. Each of these acts (and their implementing regulations) imposes

certain responsibilities on a Federal agency before any major action is taken or permitted. For example, section 102(2)(c) of NEPA requires the responsible Federal agency to consider the impacts to the human environment before taking any major action such as issuing a permit or approving mining on Federal land. As part of that consideration, OSM must analyze information on the area affected locally, regionally, or nationally; the physical and social resources affected, such as air quality, water quality, employment, aesthetics, and fish and wildlife resources. OSM must also assure that surface coal mining operations are conducted so as to protect the environment and assure adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with surface coal mining operations. If applicants fail to satisfy the application requirements, the regulatory authority would be unable to issue a valid permit or approval to mine coal on Federal land.

Section 740.13(b)(3) requires each permit application package to include the following information in addition to that required for a permit under the applicable regulatory program. This information is needed to determine the applicant's compliance with all of the provisions of SMCRA and other applicable Federal laws.

(1) The resource recovery and protection plan is needed to determine the applicant's compliance with the provisions of the Mineral Leasing Act as it applies to the development, production and conservation of leased Federal coal.

(2) A description of the affected area of the proposed surface coal mining and reclamation operation is needed to determine whether there will be increases in employment, population and revenues to public and private entities and to determine their ability to provide goods and services necessary for surface coal mining and reclamation operations.

(3) An evaluation of impacts to scenic and aesthetic resources, including noise on the surrounding area in terms of all resource areas affected by the permitted mining operation.

(4) A statement, including maps and ownership data as appropriate, of any cultural or historical sites listed on

the National Register of Historic Places within the affected area of the proposed surface coal mining and reclamation operation.

(5) A statement of the classes of properties of potential significance within the disturbed area, and a plan for the identification and treatment in accordance with 36 CFR Part 800, of properties significant and listed or eligible for listing on the National Register of Historic Places within the disturbed area of the proposed surface coal mining and reclamation operation.

(6) A description of the probable changes in air quality resulting from the mining operation and any necessary measures to comply with prevention of significant deterioration limitations, State Implementation Plans, or other Federal or State laws for air quality protection.

(7) A description of the location, acreage and condition of important habitats of selected indicator species located within the affected area of the proposed surface coal mining and reclamation operation.

(8) A description of active and inactive nests and prey area of any Bald or Golden Eagle located within the affected area of the proposed surface coal mining and reclamation operations.

(9) A description of all threatened and endangered species and their critical habitats located within the affected area of the proposed surface coal mining and reclamation operations.

Section 740.13(c) includes requirements for the regulatory authority to transmit a copy of the permit application package (PAP) to the Federal Land Management Agency (FLMA) with a request for review and comment, for the regulatory authority to consider the comments of the FLMA and include them in the record of the permit decision, and where required, evidence of the execution of a Federal lessee protection bond.

Section 740.13(d) includes requirements for the regulatory authority to inform OSM of requests for permit revisions

involving leased Federal coal.

Section 740.13(e) includes a requirement for the regulatory authority, before approving or disapproving an application for transfer, assignment or sale of rights granted under a permit issued under the Federal lands program, shall consult with the appropriate FLMA and the Bureau of Land Management (BLM), as applicable.

Section 740.13(f) includes a requirement for the regulatory authority to notify BLM if a permit to conduct surface coal mining and reclamation operations on lands containing leased Federal coal is suspended or revoked. This is necessary in order for BLM to determine whether action should be taken to cancel the Federal lease.

This information will be used by OSM to ensure compliance with the SMCRA requirement that mining on Federal land is in compliance with all Federal laws and regulations other than SMCRA.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. This regulation was promulgated on February 16, 1983, (48 FR 6912) after an opportunity for public comment. No comments were received concerning the information collection requirements contained in the rule.

In April 2005, OSM staff consulted with the following individuals concerning the reporting requirements for 30 CFR 740.13(b):

Ms. Wanda Berget  
Powder River Coal  
341 Antelope Road  
Wright, WY 82732  
(307) 687-3920

Ms. Becky Hanson  
Western Energy Coal Co.  
P.O. Box 99  
Colstrip, MT 59323  
(406) 748-5222

Ms. Berget works for Powder River Coal. She estimated that it requires an additional 130 to 140 hours per application on average to collect the supplemental information required under the Federal lands program.

Ms. Hanson is employed by the Western Energy Coal Company. Ms. Hanson estimated that, on average, 120 to 140 additional hours are required to collect the information required under the Federal lands program. Ms. Hanson did not identify any of the information collection requirements of the Federal lands program as particularly problematic or burdensome.

Based on the information obtained from these discussions, the average reporting requirement for 30 CFR 740.13(b), would be approximately 130 hours.

OSM staff also consulted with the following State regulatory authorities concerning the reporting requirements for 30 CFR 740.13(c)-(f):

Mr. Mark Stinnett, Branch Manager  
Department of Natural Resources  
Division of Mine Permits  
#2 Hudson Hollow  
Frankfort, KY 40601  
502/564-6940

Ms. Carol Billbrough, Program Manager  
Department of Environmental Quality  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002  
307/777-6772

Both individuals provided estimates of the reporting burden for 740.13(c)-(f), which was used to determine an average burden along with other information from OSM field office personnel who are closely involved with the oversight of the coordination/consultation process required by these



regulations. Mr. Stinnett estimated that it takes approximately 30-40 hours to review and process the Federal lands portion of permit applications of 30 CFR 740.13(c)-(f). He had no concerns or complaints with the reporting requirements of the subject regulations.

Ms. Billbrough estimated the State's average time to review the requirements of 30 CFR 740.13 (c)-(f) for Federal lands requires approximately 30-65 hours. She expressed no concerns with the information collection requirements, or in her relations with OSM or the Federal lands permit process.

Based on the information obtained from these SRA's, the burden to review and process the Federal lands requirements for 30 CFR 740.13, is approximately 40 hours.

Therefore, the total burden for all respondents is 170 hours (130 hours for applicants + 40 hours for SRA's).

In September 2006, OSM is planning to proposed rulemaking to reduce the number of copies of permit applications to be submitted for Federal lands, and in the Federal program states. This Federal Register notice will seek comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents.

On May 2, 2006, OSM published in the Federal Register (71 FR 25857) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

For 740.13(b), OSM estimates that approximately 20 permit application packages will be submitted annually by operators seeking permission to mine leased Federal coal or on Federal surface lands. This estimate is based on the most current information available from OSM field offices. Based on discussions with those identified in item 8 above, the total burden for applicants under 740.13(b) is 20 applications x 130 hours/application = 2,600 hours.

For 740.13(c)-(f), the SRA's estimate that it takes an average of 40 hours/response to review the 20 applications under 740.13(c)-(f) for operations involving Federal lands, or 800 hours to review and process all applications.

Therefore, the total estimated burden for 740.13 is 3,400 hours (2,600 hours + 800 hours). This burden estimate includes time spent by the applicant searching for required information and completing the application, and for the SRA to review and process the application.

Annual Wage Cost to Respondents:

Using a rate of \$60/hour for permit applicants and \$45/hour for SRA's, the average annual respondent cost would be \$156,000 (2,600 hrs x \$60/hr) for 740.13(b) + \$36,000 (800 hrs x \$45/hr) for 740.13(c)-(f).

The total cost for all respondents would be \$192,000 (\$156,000 + \$36,000).

13. Total Annual Cost Burden to Respondents:

Not applicable. There are no capital or start-up costs, or operational costs associated with the collection of information for this section.

14. Estimate of Cost to the Federal Government:

OSM will review all permit application packages submitted for mining leased Federal coal to ensure compliance with the Federal lands program requirements of SMCRA and the Mineral Leasing Act. It will take OSM technical staff approximately 30 hours to prepare and process the mine plan decision documents. Therefore, the cost to the Federal government will be:

20 applications x 30 hours/application x \$45/hour = \$27,000.

15. For 740.13(b), OSM technical staff estimate that approximately 20 permit application packages will be submitted annually by operators seeking permission to mine leased Federal coal or on Federal surface where OSM is the RA. Based on discussions with applicants, it will take an average of 130 hours for an applicant to supply the supplemental information resulting in a burden of 2,600 hours (20 applications x 130 hours/application) to meet the requirements of 740.13(b).

For 740.13(c)-(f), the SRA's review and coordinate with various Federal agencies during the permitting process. It is estimated that it takes 800 hours for the SRA's (20 applications x 40 hours).

The total burden to comply with this section is 3,400 hours. This information collection request does not alter the currently approved burden approved for this section.

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

Supporting Statement for Reporting Requirements  
In 30 CFR 740.15(c)

A. Justification

1. Section 715 of SMCRA requires that where the coal to be mined by surface coal mining operations is owned by the Federal government and the surface is subject to a lease or a permit issued by the Federal government, the application for a mining permit shall include either the written consent of the permittee or lessee of the surface land involved or the submission of a Federal lessee protection bond. These requirements are implemented in 30 CFR 740.15(c) of the regulations.
2. The purpose of the submission of this information is to comply with the specific provisions of SMCRA requiring either written consent of the surface lessee or the submission of a Federal lessee protection bond. The Federal government will use the written consent or bond to insure that the rights and interest of the surface lessee have been considered or are protected.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. This regulation was promulgated on February 16, 1983 (48 FR 6912) after an opportunity for public comment. No comments were received concerning the information collection requirements contained in the rule.

OSM does not anticipate that a Federal lessee protection bond will be secured for the permit area within the next three years since the factual situation requiring the submission is rare (Federal surface leased for purposes other than surface coal mining overlying leased Federal coal to be mined where the lease is transferable). Therefore, no

respondents were consulted concerning this information collection burden.

On May 2, 2006, OSM published in the Federal Register (71 FR 25857) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. See Identical Responses to Statements.

10. See Identical Responses to Statements.

11. See Identical Responses to Statements.

12. Burden Estimates and Annual Wage Cost to Respondents:

OSM technical staff estimates that it will take approximately 1 hour for each respondent to submit the required information. OSM estimates that there will be no respondents during the next three years. However, assuming one respondent x \$60 per hour = \$60 in wage costs will be required to comply with this section.

13. Total Annual Cost Burden to Respondents:

Not applicable. There are no annual costs associated with this collection of information.

14. Estimate of Cost to the Federal Government:

OSM technical staff estimates that it will take approximately 15 minutes to review any information that is submitted. OSM estimates that there will be no respondents during the next three years and therefore no cost burden is anticipated.

15. OSM estimates that it will take approximately one hour to obtain either the consent form from the surface lessee, or in lieu thereof, to submit a Federal lessee protection bond. OSM further estimates that no bonds or consents will be required or submitted within the next three years because the factual situation requiring the submission is rare

(Federal surface leased for purposes other than surface coal mining overlying leased Federal coal to be mined). Therefore, there is no anticipated burden for this requirement within the next three years. No bonds or consents were submitted during the past three years. However, OSM estimates that an operator would require one hour completing the requirements of this section. OMB has currently approved one hour for this section. Therefore, this collection request does not differ from that currently approved by OMB.

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

Supporting Statement for Reporting Requirements  
In 30 CFR 740.19(b)(2)(i)

A. Justification

1. Section 523(a) of SMCRA requires that the Secretary of the Interior establish a Federal lands program applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands. Section 519(a) of SMCRA requires the permittee to file a request for release of all or part of the performance bond. In addition to the bonding requirements under SMCRA, the Mineral Leasing Act (MLA) requires a bond on the Federal coal lease. Accordingly, OSM has promulgated regulations at 30 CFR 740.19(b) to coordinate the related requirements of SMCRA and the MLA concerning the completion of operations, the release of the performance bond pursuant to SMCRA and the release of the Federal lease bond pursuant to the MLA. This information is required by the regulatory authority to determine when the surface coal mining and reclamation operation has been completed.
2. Section 740.19(b)(2)(i) requires the person conducting surface coal mining and reclamation operations, where there is a Federal lease bond, to submit to OSM a written notice of intent to cease or abandon those operations including a statement of the number of acres affected by the operations, the extent and kind of reclamation accomplished and the structures and other facilities that are to be removed from or remain on the permit area. Once the notice is received, BLM and the FLMA shall promptly conduct a joint inspection to determine whether all operations have been completed in accordance with regulations, the lease or license, and the mining plan. If unable to collect this information, the regulatory authority would not be able to determine if all requirements have been complied with, nor whether the liability under the lease bond has been fulfilled.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.

7. See Identical Responses to Statements.
8. This regulation was promulgated on February 16, 1983, (48 FR 6912) after an opportunity for public comment. No comments were received concerning the information collection requirements contained in the rule.

In April 2005, OSM staff consulted with the following individuals concerning the requirements for 740.19(b)(2)(i):

Mr. Mark Stinnett, Branch Manager  
Department of Natural Resources  
Division of Mine Permits  
#2 Hudson Hollow  
Frankfort, KY 40601  
502/564-6940

Ms. Carol Billbrough, Program Manager  
Department of Environmental Quality  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002  
307/777-6772

Both Mr. Stinnett and Ms. Billbrough agreed that one hour was required to complete this requirement. Neither individual had concerns or comments about this requirement.

On May 2, 2006, OSM published in the Federal Register (71 FR 25857) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

Respondents estimate that it will take approximately 1 hour to complete the information for notification of the intent



to cease or abandon operations. OSM estimates that approximately 1 notice will be submitted each year. The total burden is 1 hour (1 notice x 1 hour/notice).

Annual Wage Cost to Respondents:

Using a rate of \$60/hour, the average annual cost for each respondent would be \$60 (1 hr x \$60/hr). The total cost for all respondents would be \$60 (1 notice x \$60/notice).

13. Total Annual Cost Burden to Respondents:

Not applicable. There is no annual cost associated with the collection of information for this section.

14. Estimate of Cost to the Federal Government:

OSM technical staff estimates that it will take approximately 1 hour to review each notice of intent to cease or abandon operations on Federal lands. OSM will review all submissions. Using a rate of \$45/hour, the annual cost to the Federal government will be \$45 (1 notice/yr x 1 hr/notice x \$45/hr).

15. It will take approximately 1 hour for each respondent to complete the information for notification of the intent to cease or abandon operations. OSM estimates that approximately 1 notice will be submitted each year, for a burden of 1 hour (1 notice x 1 hour/notice).

This collection request does not alter the currently approved burden estimate for this section.

16. See Identical Responses to Statements.

17. See Identical Responses to Statements.

18. See Identical Responses to Statements.

B. See Identical Responses to Statements.