

**Supporting Statement for Collections of Information
and Recordkeeping Requirements under :**

**30 CFR Parts 816 and 817 – Permanent Program Performance Standards –
Surface and Underground Mining Activities**

Terms of Clearance: None

General Instructions

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

Specific Instructions

A. Justification

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

OMB Form 83-I), describe any methods used to minimize burden.

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

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be

circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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

collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

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

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

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

B. Collections of Information Employing Statistical Methods

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

1. Describe (including a numerical estimate) the potential respondent universe and any

sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

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

Introduction

The Office of Surface Mining Reclamation and Enforcement (OSM) is submitting this information collection clearance package to request authority to collect information and require retention of records for the consolidated requirements of 30 CFR Part 816, Permanent Program Performance Standards—Surface Mining Activities, and Part 817, Permanent Program Performance Standards-Underground Mining Activities under clearance number 1029-0047.

Regulations at 30 CFR 816 set forth the minimum environmental protection performance standards to which coal operators must adhere. These regulations implement primarily §515 (environmental protection performance standards) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), and §517 (inspections and monitoring), which establishes the minimum performance standards for environmental protection and requires periodic submission of the monitored or inspection surveys or reports on the environmentally sensitive subjects that are raised during the surface coal operation and reclamation process, including surface- and ground-water quality, impoundment dam and sediment pond safety, airblast and ground vibration, excess spoil pile safety, coal processing waste pile safety. These regulations also require the operators to provide an advance notice for the yearly blasting schedule to the local government and the tenants who live in half a mile distance from the mine site and to keep and maintain the records of blasting at least for three years.

The regulations at 30 CFR Part 817 implement sections 516, 517(b), and 720 of the Act, 30 U.S.C. 1266, 1267(b), and 1309(a), by establishing performance standards governing the surface effects and hydrologic impacts of underground mining operations, replacement of water supplies adversely impacted by those operations, and correction of subsidence-related material damage to lands and structures.

The responses to some items in the instructions for the supporting statement are identical for each section; these responses appear on pages 3 – 6 of this document. Except as otherwise noted in the supporting statements for individual sections, the respondents and potential respondents consist of 2,933 surface and 1,831 underground entities. Of these operations, there are approximately 792 surface and 606 underground mines that are currently producing coal.

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

INFORMATION COLLECTION SUMMARY FOR 30 CFR 816 and 817

Section	Respondents	Responses	Hours per Response	Total Hours Requested	Current Burden Hours	Changes to Burden Hours	Non-Wage Cost Burden for All Respondents
.41	4,764	68,900	6.5	447,850	312,800	135,050	0
.43	280	280	16	4,480	4,480	0	14,000
.49	5,046	31,392	6	126,144	108,000	18,144	238,200
.57	24	770	40	30,800	23,403	7,397	38,500
.62	962	38,480	2.625	101,010	113,920	-12,910	0
.64	962	962	4	3,848	2,848	1,000	48,100
.67	962	150,072	1.2	180,086	19,500	160,586	0
.68	962	962	12	11,544	9,120	2,424	0
.71	3,116	59,392	8	475,136	226,560	248,576	0
.81	1,941	1,941	8	15,528	6,822	8,706	0
.83 & .87	1,941	7,764	3	23,292	27,288	-3,996	0
.116	882	882	80	70,600	70,600	0	44,000
.121	80	80	4	320	240	80	1,600
.122	272	1,632	.5	816	1,080	-264	4,896
.131	335	335	16	5,360	5,360	0	0
.151	481	481	11	5,291	8,912	-3,621	24,050
TOTALS	23,010	364,325		1,502,105	940,933	561,172	413,346

- 816/817.41 - EPA-required NPDES reports are not counted as an OSM burden.

Identical Responses to Statements

A. Justification

3. The collection of information required for 30 CFR Parts 816 and 817 is unique to each applicant and mining area. Respondents are individual mining companies who maintain or submit reports, schedules, notification letters, etc. to the State regulatory authorities, land owners, or to newspapers as needed. Information collections do not involve use of any standard form, and the required information does not consist of numerical data or responses to multiple-choice questions. Generally, certification and monitoring reports are prepared and submitted electronically, while notices to landowners and newspapers are in paper form. OSM is currently assisting primacy states and the coal industry in developing and implementing various aspects of electronic permitting and state inspections.
4. The information requested for 30 CFR Parts 816 and 817 is unique to each person and site. Circumstances vary with each proposed coal mining site in which a permit application has been received. Thus, there is no available information that can be used in lieu of that supplied on each application. Information is usually collected quarterly or monthly, depending on state regulations. OSM is not aware of any other federal agency that collects this information. OSM is the only federal agency charged with implementation of SMCRA with respect to performance standards for surface and underground mining activities. Duplication of such information is minimal to nonexistent.
5. There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit to conduct coal mining and reclamation operations. Adequate documentation of this permit is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. When applicable, small businesses may qualify for small operator assistance where the Federal government may provide financial assistance to the operator under 30 CFR 795.
6. Failure to collect the information requested in 30 CFR Parts 816 and 817, or collection at less frequent intervals, would impair the ability of OSM and State regulatory authorities to ensure that surface and underground mining operations are conducted safely and in an environmentally protective manner consistent with the purposes and requirements of the Act. Furthermore, the Act specifically requires submission of some of the requested information at the indicated frequency.
7. No collection of information under 30 CFR Parts 816 and 817 is inconsistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the

supporting statement.

8. In September 2006, OSM contacted the following respondents to obtain their views on the information collection burden imposed by Parts 816 and 817, and the clarity of the regulations:

Dan Hernandez
Senior Environmental Protection Specialist
Coal Program
Division of Reclamation, Mining and Safety
Colorado Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203
(303) 866-4933

Jim Kiger
Engineer
Oxbow Mining, LLC
600 Grant Street
Denver, CO 80203
(970) 929-5806

Jay Pickarts, P.E.
Knight Piésold and Co.
1050 17th Street, Suite 450
Denver, CO 80265
(303) 629-8788

Colin Matheson
Matheson Mining Consultants, Inc.
2801 Youngfield Street, Suite 171
Golden, CO 80401-2266
(303) 456-5638

Jim Stover
J. E. Stover & Associates, Inc.
P.O. Box 60340
Grand Junction, CO 81506
(970) 245-4101

Robert Cook
Saul's Seismic Survey

Chapmanville, WV 25508
(304) 855-2455

Jim Elder
OSM
530 Gay Street, Suite 500
Knoxville, TN 37902
(865) 545-4103

In general, the respondents found few problems with the information collection requirements of Parts 816 and 817. One individual said that for fulfilling the requirements under section 816/817.41, it may take minutes to designate site locations on a map, but it takes various hours to visit sites and take the sample to the lab. It depends on the location of the sites and the lab. For example, remote areas would take much longer hours. Most samples are normally taken in conjunction with other sampling requirements in the general area so that an economy of scale takes place to save labor hours.

The same type of comment was expressed with regard to certifications/inspection time requirements varying greatly due to the size and complexity of each mine site.

On October 30, 2006, OSM published in the Federal Register (71 FR 63353) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSM provides no payments or gifts to respondents.
10. No confidential information is solicited. However, if the information provided in the application needs to be dealt with confidentiality, the applicant has also the right to request confidentiality for such information as analysis of the chemical and physical properties of the coal to be mined, and the nature and location of archeological resources on public land and Indian land. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archeological resources be kept confidential.
11. Not applicable. There are no questions of a sensitive nature.
16. Not applicable. OSM has no plans to publish the information collected.
17. Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

18. Not applicable. There are no exceptions to the certification statement in the ROCIS system.

B. Collection of Information Employing Statistical Methods

Statistical methods are not appropriate for collection of the information required under 30 CFR Parts 816 and 817 since this information is unique to each request and is counted individually. OSM regulations require submission of this information each time a person receives a permit.

Supporting Statement for 30 CFR 816.22/817.22

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

Supporting Statement for 30 CFR 816.41 and 817.41

A. Justification

1. Section 517(b) of the Act requires that the regulatory authority require all mining permit holders establish and maintain appropriate records; make monthly reports to the regulatory authority, install, use, and maintain any necessary monitoring equipment or methods; evaluate results of such methods; and provide such information relative to the operation as the regulatory authority deems reasonable and necessary. Sections 30 CFR 816/817.41 require that ground- and surface-water monitoring data be submitted in accordance with the monitoring plans specified in the permit application as required by 30 CFR 780.21 for surface mining and 784.21 for underground mining. Minimally the monitoring data is required to be submitted every 3 months to the regulatory authority or more frequently as prescribed by the regulatory authority until bond release or until the regulatory authority finds that monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan. The above reporting requirements do not exempt the operator from meeting any National Pollutant Discharge Elimination System (NPDES) requirements.
2. This data required under Section 816/817.41 is needed to determine whether any surface mine operator is in violation of the environmental protection performance standards in hydrologic-balance protection of a state or Federal regulatory program or other requirement of the Act under section 515(b)(10).
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

It is assumed here and in other sections that one respondent represents one coal operation. According to FY 2006 annual report, there are approximately 2,933 surface mining and 1,831 underground mining permits. For surface mining operations, it is assumed that 5 surveys (2 surveys, for ground water monitoring and 3 for surface water monitoring) are necessary to comply with these sections of the regulations. However, since one of the surface monitoring requirements is performed in support of an EPA's NPDES permit, 4 surveys are required quarterly by OSM. Since four quarterly surveys are required, OSM is responsible for 46,928 surveys (2,933 operations x 4 surveys x 4 quarterly frequency). For underground mining, 3 surveys are normally sufficient (1 survey for ground water monitoring and 2 surveys for surface water monitoring). Since four quarterly surveys are required, OSM is responsible for 21,972 surveys (1,831 operations x 3 surveys x 4 quarterly frequency). Therefore, 68,900 surveys are required annually.

OSM estimates that a trained technician will take **6.5 hours** to complete each ground- and surface-water monitoring survey. This burden hour estimation is based on OSM's staff expertise and experience as a regulatory authority under Federal programs and Federal land programs, and comments received from respondents identified in item 8 above. Therefore, it is estimated that the labor burden hours for all respondents is **447,850 hours** (68,900 surveys x 6.5 hours per survey) which is attributable to OSM regulations.

Regulatory authority personnel are not required to review water monitoring reports apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Therefore, the only information collection burden to State regulatory authorities under 30 CFR 816/817.41 is the time required to file the reports which constitutes normal, customary business activities.

b. Estimated Annual Wage Cost to Respondents

At an average wage rate of \$60 per hour, an average annual cost for all respondents is **\$26,871,000** [447,850 hours (from 12.a) x \$60 per hour] to comply with 30 CFR 816.41/817.41.

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimate of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program

implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816.41/817.41 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** [40 hours x \$45/hour].

Federal Programs: OSM processes all permit applications for Federal programs. Therefore, the following formula will apply for Federal program and Federal land applications:

For Federal programs: 88 operations (or permits under Federal program states reported in OSM's annual report in the fiscal year of 2006) x 4 survey reports x 4 (quarterly monitoring) x 1 hour (to review each report sample and file the report) x \$45/hour = **\$63,360**.

The total Federal cost is \$1,800 + \$63,360 = **\$65,160**.

15. The total approved burden for 30 CFR 816/817.41 is 312,800 burden hours. Burden hours represent an increase of 135,050 for these sections due to an increase in the amount of surface and underground mines. Therefore, the burden for these sections changes as follows:

312,800	Hours currently approved by OMB
+ 135,050	Hours due to a reestimate in use
447,850	Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.43 and 817.43

A. Justification

1. This section includes two provisions with information collection implications. Under the first, 30 CFR 816/817.43(b)(1), the regulatory authority must make the stream buffer zone finding required by 30 CFR 816/817.57 as a prerequisite for approval of diversions of intermittent or perennial streams within the permit area. This requirement is effectively subsumed by the stream buffer zone finding requirements of 30 CFR 816/817.57, and the burden is reported there. Therefore, we are not including a separate information collection burden estimate for 30 CFR 816/817.43(b)(1).

Under the second provision, 30 CFR 816/817.43(b)(4), a qualified registered professional engineer must certify that the design and construction of all stream channel diversions of perennial and intermittent streams meet the performance standards and any design criteria established by the regulatory authority. The primary statutory authority for these regulations is section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act.

2. Regulatory authorities rely in part upon the certification requirements of 30 CFR 816/817.43 to ensure that stream diversions are constructed in accordance with approved plans to be stable and environmentally sound.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate that approximately 280 stream channel diversions are permitted annually and that preparation of a certified report following construction of a stream channel diversion under 30 CFR 816/817.43(b) will require an average of 16 hours because of the need for a survey of the diversion and subsequent preparation of new plans and drawings as part of the certification report. Accordingly, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 816/817.43 will total **4,480 hours** (280 stream channel diversions per year x 1 certification per diversion x 16 hours per certification).

Construction certification reports for stream channel diversions do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Therefore, the only information collection burden to State regulatory authorities under 30 CFR 816/7.43 is the time required to file the reports which constitutes normal, customary business activities.

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$60 per hour, we estimate that the annual wage cost to surface and underground mine permittees to comply with the information collection requirements of 30 CFR 816.43 and 817.43 will be **\$268,800** [4,480 hours (from item 12.a.) x \$60 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.43 do not involve any capital or start-up costs unique to these requirements. Mining operations require engineering and diversion construction expertise and equipment as part of their customary and usual business practices. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.43 at \$50 per certification, for a total annual cost of **\$14,000** (280 certifications per year x \$50 per certification). These costs consist primarily of fuel and equipment maintenance expenses for travel to the mine, drafting and office supplies, and copying expenses.

14. Estimate of Annualized Cost to the Federal Government

The certification reports required by 30 CFR 816/817.43 normally do not require regulatory authority or oversight review apart from the inspections that we conduct under 30 CFR 842.11, which has its own information collection budget. Nor is there a requirement that they be submitted to the regulatory authority. Therefore, there is no information collection cost to the Federal government for this section.

15. There are currently 4,480 burden hours associated with 30 CFR 816.43/817.43 approved by OMB. There is no change in burden hours for these sections.

4,480 Hours currently approved by OMB
+ 0 Hours (no change)
4,480 Hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.46 and 817.46

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

Supporting Statement for 30 CFR 816.49 and 817.49

A. Justification

1. Section 515(b)(8)(B) of the Act requires that permanent water impoundment dams be stable with an adequate margin of safety compatible to that required for dams constructed under P.L. 83-566 (16 U.S.C. 1006)--Watershed Protection and Flood Prevention. Although sedimentation ponds are not permanent structures, the Act in section 515(b)(10)(B)(ii) requires a certification by a qualified registered engineer or a qualified registered professional land surveyor in any state which authorizes land surveyors to prepare and certify such maps or plans that the sedimentation pond was constructed as designed and as approved in the reclamation plan. To assure that these requirements are achieved, §§816/817.49(a)(11) require that inspections must be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond; that after each inspection, the qualified registered professional engineer or a qualified registered professional land surveyor must promptly prepare and provide to the regulatory authority a certified report on the conditions of the structure; and that a copy of the report to be maintained at or near the mine. The report states that the impoundment has been constructed and maintained as designed and in accordance with the approved plan. The report also includes a discussion of any appearance of instability, structural weakness or other hazardous conditions (e.g., elevation of impounded waters), and any other aspects of the structure affecting stability.
2. This report assures the regulatory authority that the impounding structure was constructed in accordance with the approved design plan and will not present a hazard to the public because of unsafe construction practices or lack of proper maintenance. The regulatory authority uses the information in the report to ensure the safety and stability of the impounding structure. Without the report, the regulatory authority would be unable to monitor the condition and safety of the impounding structure and would not be aware of changing conditions of the structure or when it may become a hazard to the health and safety of the public. A copy of the report must be kept at or near the mine site so that a record is available showing the condition of the structure and to assist the regulatory authorities and OSM to enforce the regulations.
3. See list of items with identical responses.
4. The Mine Safety and Health Administration requires the inspection and monitoring of impounding structures in the requirements of section 77.216(3)(a). Information from these inspections may be incorporated into the certified report, along with the additional information that is required by this regulation.
5. See list of items with identical responses.

6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting, Record keeping, and Reviewing Burden

a. Estimate of respondents reporting burden

OSM's annual report for FY 2005 states that there are 258 new permits issued annually and 4,764 current operations associated with surface and underground coal production. Based on discussions with those identified in item 8, and OSM's experience, we calculate that each operation will construct 3 impoundments during the course of mining, spanning 20 years. For ease of calculation, each of the 258 new permits will construct 3 impoundments, requiring 2 certification reports to be generated (one for the construction phase and the other after construction has been completed), taking 6 hours to prepare and submit each report to the regulatory authorities. In addition 4,764 operations require one certified report to be prepared depicting the condition of the impoundment to ensure that it has been maintained as designed and as shown in the approved plan. Therefore, the burden for each operator under a new permit is $258 \times 3 \text{ structures} \times 2 \text{ reports} \times 6 \text{ hours}$ per report is **9,288 hours**, and the burden for current operations is $4,764 \times 3 \text{ structures} \times 1 \text{ annual report} \times 6 \text{ hours}$ is **85,752 hours**. Therefore, the burden for operators is **95,040 hours**.

Impoundment certification reports are submitted to the regulatory authority for review, each report requiring 2 hours to review. Of the 258 new permit issued annually 254 are in primacy states. In addition, of the 4,764 operations, 4,676 are in primacy states. Therefore, the burden for State regulatory authorities for new permit is $254 \text{ new permits} \times 3 \text{ structures} \times 2 \text{ reports} \times 2 \text{ hours}$ pre review is **3,048 hours**. The burden to States for current operations is $4,676 \text{ operations} \times 3 \text{ structures/operation} \times 1 \text{ report} \times 2 \text{ hours}$ to review, or **28,056 hours**. The burden for all State regulatory authorities is **31,104 hours**.

Therefore, the burden for all respondents to comply with §§816/817.49 is **126,144 hours**.

b. Estimate of Cost to Respondents

At an average wage rate of \$60 per hour, the annual cost for all respondents would be

\$5,702,400 [95,040 hours (from 12.a) x \$60 per hour]. This cost also includes retaining the records at a mining site.

For State regulatory authorities, at an average wage rate of \$45 per hour, the annual cost to review would be **\$1,399,680** [31,104 hours (from 12.a) x \$45 per hour].

The annual wage cost to all respondents is **\$7,102,080** to comply with the requirements for §§ 816/817.49.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.49 do not involve any capital or start-up costs unique to these requirements. The expertise and equipment needed to prepare impoundment certifications are no different than the expertise and equipment needed to design and construct the impoundment, which is a customary and usual business expense for mining operations. Similarly, the recordkeeping requirements for State regulatory authorities under this section do not require regulatory authorities to obtain unique or additional equipment or supplies. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.49 at \$50 per mine per year, for a total annual cost of **\$238,200** (4,764 surface and underground mines x \$50 per mine). These costs consist primarily of fuel and vehicle maintenance expenses for travel to the mine and copying and postage expenses for providing the regulatory authority with a copy of the certified reports.

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

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.49 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM processes all permit applications for Federal programs and on Federal lands not totally administered by a state under a cooperative agreement. Therefore, the following formula will apply for Federal program and Federal land applications:

For Federal programs and Federal lands: 88 operations or permits under Federal program states x 3 reports x 2 hours to review the reports x \$45/hour = **\$23,760**.

The total Federal cost is \$1,800 + \$23,760 = **\$25,560**.

15. The burden hours contained in this request differ from that contained in the currently approved estimates for §§ 816/817.49 due to a reestimate in the time required to inspect impoundments by professional engineers and an increase in respondents. This burden now changes as follows:

108,000	Hours currently approved by OMB
+ 18,144	Hours due to a reestimate
126,144	Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.57 and 817.57

A. Justification

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

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

2. Regulatory authorities use this finding and its underlying analyses to help protect streams and related environmental resources from adverse mining-related impacts.
3. See list of items with identical responses.
4. See list of items with identical responses
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Estimate of respondents reporting burden

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

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

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

In FY 2005, regulatory authorities issued a total of 258 new mine permits. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that, each year, 129 newly permitted mines will extract coal and/or construct a stream channel diversion. In 2005, 792 surface mines were actively extracting coal in the United States. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that, each year, 158 existing coal mines will extend their operations to extract coal within the buffer zone and/or to construct a stream channel diversion. Hence, we estimate that, each year, operators will encroach into the stream buffer zone about 287 times to extract coal and/or to construct stream channel diversions or sedimentation ponds.

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

about 30 additional fills will be constructed annually in stream buffer zones. This will increase our total stream buffer zone encroachment attributed to fill to 432 (393 annually in central Appalachia + 30 outside of central Appalachia).

Another set of mining activities that encroach into the buffer zone includes the construction of haulage roads, rail spurs, and preparation plants. We estimate that about 20 percent of all new surface and underground mining permits will contain these activities that will encroach into the stream buffer zone. In FY 2005, regulatory authorities issued a total of 258 new mine permits; therefore, applying our assumption, we estimate 51 newly permitted mines will construct a haul road, rail spur, or preparation plant within the stream channel buffer zone.

The grand total of annual stream buffer zone incursions is 770 (287 to extract coal and/or to construct channel diversion or sedimentation ponds + 432 to construct excess spoil, face-up, or refuse fills + 51 to construct haul roads, rail spurs, or preparation plants). Based on discussions with those identified in item #8, we estimate that each stream buffer zone finding will require 40 hours to prepare. Therefore, we estimate that the annual burden for State regulatory authorities to comply with the information collection requirements of 30 CFR 816/817.57 will total **30,800 hours** (770 findings per year x 40 hours per finding).

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$45 per hour, we estimate that the annual wage cost to State regulatory authorities to comply with the information collection requirements of 30 CFR 816/817.57 is **\$1,386,000** [30,800 hours (from item 12.a.) x \$45 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

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

b. Operation and Maintenance Costs

We estimate that non-wage operation or maintenance costs (mostly fuel and equipment maintenance expenses) for compliance with the information collection requirements of 30 CFR 816/817.57 average \$50 per finding, for a total of \$38,500 (770 findings per year x \$50 per finding).

14. Estimate of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.57 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM processes all permit applications for Federal programs and on Federal lands not totally administered by a state under a cooperative agreement. In our experience, we need an average of 30 hours to make each stream buffer zone finding. At an average salary of \$45 per hour, the annual wage cost to the Federal government to make these findings is **\$4,050** (3 findings per year x 30 hours per finding x \$45 per hour). Annual non-wage costs average \$50 per finding for a total non-wage cost of **\$150** (3 findings per year x \$50 per finding). Hence, the total annual Federal program cost is an estimated **\$4,200** (\$4,050 for wages + \$150 for non-wage costs).

Total Federal Cost:

\$ 1,800 Oversight
+ \$ 4,200 Federal Programs
\$ 6,000 Total Federal Cost

15. The information collection requirement for 30 CFR 816.57 was previously approved for 23,403 hours. Due to an increase in time required for stream buffer zone findings, a variance in active mine sites, and an adjustment in the number of new mine sites, OSM estimates that States expend 30,800 hours as the following table shows:

23,403 Hours currently approved by OMB
+ 7,397 Hours due to changes in active mine sites/new permits/hours to prep finding
30,800 Hours requested

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

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.

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

The information requirements under section 816/817.61(d) are covered under Part 780--Surface Mining Permit Applications--Minimum Requirement for Reclamation and Operation Plan; section 780.13--Operation Plan, Blasting. The information regarding blasting designs is typically submitted in the permit application required under Part 780 in order for the regulatory authority to assess blasting procedures. Therefore, the burden is listed under Part 780. Part 780 has been assigned OMB clearance number 1029-0036.

Supporting Statement for 30 CFR 816.62 and 817.62

A. Justification

1. Section 515(b)(15)(E) of the Act and its regulations of 30 CFR 816/817.62(b) require surface mine operators to perform preblast surveys when a request is made by a resident or owner of a structure within one-half mile of any portion of the permitted area; and submit the survey to the regulatory authority, and a copy to the resident or owner of the properties. In addition, SMCRA regulations of 30 CFR 816/817.62(a) require that at least 30 days before initiation of blasting, the operator must notify in writing, all residents or owners of dwellings or other structures located within ½ mile of the permit area how to request a preblasting survey.
2. The preblast survey must determine the condition of the dwelling structure and document any damage and other physical factors that could reasonably be affected by the blasting. In addition, the assessment must include the surface conditions and readily available data about structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems. The regulatory authority, the operator and the owner can use the preblast survey reports to assess and compare conditions before blasting with those after blasting. In the absence of this information, there would be no way to fairly determine claims against the operator and no way for the owner to determine that blasting has or has not caused damage. This information can be also used as evidence in litigation. In addition to establishing a preblast record of the condition of structures, the survey opens lines of communication between the mining operator and the public about blasting procedure, schedules, and operators' responsibilities.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

The survey of dwellings is typically conducted prior to the initiation of blasting at the mining site. An estimated 66% of the 258 new operations (approximately 170) and active surface operations (approximately 792) will conduct blasting at sites where there are structures within the ½ mile distance specified in this regulation. It is estimated that 40 dwellings, on the average, are present within the ½ mile distance of the mining site. OSM also estimates that professional engineers take **2.625 hours** to conduct, file and document a survey of such dwellings before the initiation of blasting. This labor burden hour estimation is based on discussions with OSM's blasting experts and experience as a regulatory authority under Federal programs and Federal land programs, and comments received from respondents identified in item 8 above. Therefore, OSM estimates that the total burden hours for each respondent is **105 hours** (40 dwellings per operation x 2.625 hours per survey); those for all respondents in compliance with the requirements of 30 CFR 816/817.62 are approximately **101,010 hours** (962 sites with structures requiring blasting protection x 40 dwellings per operation x 2.625 hours per survey).

Preblast surveys do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Therefore, the only information collection burden to State regulatory authorities under 30 CFR 816/817.62 is the time required to file the reports which constitutes normal, customary business activities.

b. Estimate of Cost to Respondents

At an average wage rate of \$60 per hour, the annual wage cost to each respondent would be **\$6,300** (40 dwellings x 2.625 hours x \$60 per hour); the annual wage cost to all respondents to comply with 30 CFR 816.62 would be **\$6,060,600** [101,010 hours (from 12.a) x \$60 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816.62 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of **20 hours**. The annual cost to the Federal government for

this oversight function is an estimated **\$900** [20 hours x \$45/hour].

Federal Programs: OSM is the regulatory authority under Federal programs and on Federal lands not administered by a state under a cooperative agreement. Therefore, the following formula will apply for Federal programs and Federal land application:

4 new permit applications + 16 existing operations with structures requiring blasting protection x 40 dwellings per operation x 1 hour to review each survey x \$45/hour = \$.

The total cost to the Federal Government is \$600 + \$13,200 = **\$36,000**.

15. This information collection request will decrease the estimated burden under this section from 113,920 to 101,010 hours. OSM's estimation of time required to conduct preblast surveys has decreased and the number of mine sites has changed.

113,920 Hours currently approved by OMB
- 12,910 Hours due to an decrease in use and reestimate
101,010 Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.64 and 817.64

A. Justification

1. Section 515(b)(15)(A) of the Act requires coal mine operators to provide adequate advance written notice to local governments and residents who might be affected by the use of explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality, and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed permit area where blasting will occur and by providing daily notice to resident/occupiers in such areas prior to any blasting. More specifically, SMCRA regulations of 30 CFR 816/817.64(b) require that the notification of the blasting schedule must last at least 10 days, but not more than 30 days, before beginning a blasting program. 30 CFR 816/817.64(b)(3) requires that the schedule be republished and redistributed at least every 12 months and revised and republished at least 10 days, but not more than 30 days before blasting whenever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement. 30 CFR 816/817.64(a)(2) also requires that all blasting must be conducted between sunrise and sunset, unless nighttime blasting is approved by the regulatory authority.
2. The blasting schedule publication and republication must list the times when all blasting shall take place as approved by the regulatory authority. In addition, the contents of the schedule for distribution shall identify the name, address and telephone number of the operator, specific areas identified for blasting, dates and time periods, methods used to control access to the blasting area, and the types and patterns of audible warning and all-clear signals to be used. This information is needed by the regulatory authority and residents to provide advance notice and warning of the restrictive time periods and areas for blasting. In the absence of such information, there would be no procedures for restricting the times for blasting, determining claims against a specific operator or justifying limitations on the basis of public health, safety and welfare. In addition to establishing and distributing a schedule for blasting, this requirement opens lines of communication between the operator and the public about the blasting times, location, and operators' responsibility.
3. This information is unique to each respondent and individual mine site. It is assumed that some report preparation is carried out by electronic methods. However, the nature and extent of utilizing electronic methods are not far-reaching at least among the entities receiving the required information, local governments, individuals and newspapers. States require that the information be delivered as paper copy in most instances.
4. See list of items with identical responses.
5. See list of items with identical responses.

6. Information collection occurs before any blasting program is conducted. The operator must republish and redistribute the blasting schedule at least once every 12 months. If notification were requested less frequently it could result in injury to those near the blast area.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

- a. Estimate of Respondent Reporting Burden

One blasting schedule is typically distributed annually for the coal mining operations. OSM estimates that coal operators take **4 hours** to prepare, process a blasting schedule and send to residents. This labor burden hour estimation is based on OSM's staff expertise and experience as a regulatory authority under Federal programs and Federal land programs, and comments received from respondents identified in item 8 above. Therefore, OSM estimates that the labor burden hours on each respondent are **4 hours** (1 blasting schedule per year x 4 hours per blasting schedule); the labor burden hours for all respondents to comply with 30 CFR 816/817.64 is **3,848** hours (962 permits with structures within ½ mile x 1 blasting schedule per year x 4 hours per blasting schedule).

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

- b. Estimate of cost of respondent

At an average salary of \$60 per hour, OSM estimates that the annual cost for each respondent would be **\$240** (4 hours per blasting schedule x 1 blasting schedule x \$60 per hour); the annual wage cost to respondents to comply with 30 CFR 816/817.64 is **\$230,880** [3,848 hours (from 12.a) x \$60 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

Each operator must publish their planned blasting schedule in a newspaper of general circulation, and mail a copy of the schedule to each resident living within one-half mile of the proposed permit area. At \$40 per newspaper announcement and \$10 for postage, the total capital and start-up costs for all 962 respondents is **\$48,100**.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.64 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of **20 hours**. The annual cost to the Federal government for this oversight function is an estimated **\$900** (20 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs and on Federal lands not administered by a state under a cooperative agreement. Therefore, the following formula will apply:

4 respondents (for new permits for Federal programs and Federal land application) x 1 blasting schedule x .5 hour to review each blasting schedule x \$45 per hour= **\$90**.

The total cost to the Federal Government is \$900 + \$90 = **\$990**.

15. There are 2,848 hours currently approved by OMB for 816.64/817.64. This supporting statement reflects an increase of 1,000 hours due to a reestimate of active mine sites.

2,848 Hours currently approved by OMB
+ 1,000 Hours due to an increase in mine sites
3,848 Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.67 and 817.67

A. Justification

1. Section 515(b)(15)(C) of the Act requires that blasting be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area. This section also requires limiting the type of explosives and detonating equipment, and the size, timing, and frequency of blasts based on the physical condition of the site. Decibel limits of airblasts and ground vibration should not exceed the maximum levels established in the regulations in order to prevent injury or damage to personnel and structures in the vicinity of the blasting area. The values established for periodic monitoring of airblasts by the regulatory authority are based on the equipment used and the vicinity to a specific blasting operation. [Record keeping burden for airblast surveys is covered in 30 CFR 816.68(o)]. Conformance with maximum ground vibration parameters are measured by one of three methods (namely, maximum peak particle velocity; scale-distance equation; and blasting-level chart) to prevent damage to private property outside the permit area. Two measurement methods [peak particle velocity (sections 816/817.67(d)(2)); and blasting-level chart (section 816/817.67(d)(4))] require seismographic records to be submitted to the regulatory authority. The third method [scale-distance equation (section 816/817.67(d)(3))] does not require seismographic measurements.
2. Airblasts are airborne shock waves resulting from the detonation of explosives; ground vibrations are elastic waves emanating from a blast. Adverse effects from the use of explosives are required to be monitored by the operator to remain within the standards established by the regulatory authority. Airblasts should not exceed the maximum limits listed under 30 CFR 816/817.67(b)(i) with some exceptions. The maximum ground vibration for protected structures should not exceed the values approved in the blasting plan required under 30 CFR 780.13 and established in accordance with three measurement methods described above under 30 CFR 816/817.67. This information is needed by the regulatory authority to document periodic airblast monitoring and seismic records for each blast under section 816/817.67(b) and (d). Lacking sufficient information, safety could be jeopardized.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.

8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Estimate of Respondent Reporting Burden

The seismic monitoring is conducted for ongoing active operations. The labor burden hours for monitoring ground vibrations under 30 CFR 816/817.67 are dependent on such factors as the number of operations, number of dwellings in each operation, and number of seismic set-ups at each dwelling. Based on discussions with those identified in item #8, we estimate that mine operators will need an average of 1.2 hours per blast to set up and remove the seismograph, analyze the results, and file a copy of the seismographic record of the blast.

We assume that each of the 962 surface mines will monitor about 156 blasts (3 blasts x 52 weeks/year) annually using seismographs. One seismograph will be placed at the nearest structure for each of those blasts. OSM estimates that the labor burden for all respondents to comply with 30 CFR 816/817.67 is approximately **180,086 hours** (962 operations x 156 surveys x 1.2 hours per dwelling).

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

b. Estimate of Cost to Respondents

At an average wage rate of \$60 per hour, the annual cost for each respondent would be approximately **\$10,805,184** [962 operations x 156 surveys x 1.2 hours x \$60 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate

conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.67 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of **20 hours**. The annual cost to the Federal government for this oversight function is an estimated **\$900** (20 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs and on Federal lands not administered by a state under a cooperative agreement. Therefore, the following formula will apply for Federal programs and land application:

For Federal programs and for Federal lands: 4 operations x 1.2 hour x \$45/hour = **\$216**.

The total cost to the Federal Government is **\$900 + \$216 = \$1,116**.

15. There are currently 19,500 hours approved by OMB for section 816.67/817.67. This supporting statement reflects an increase of 160,586 hours due to a reestimate in active surface operations and respondent time requirements. Prior collection requests inadvertently limited the burden estimate to new mine sites and omitted all other active sites. This request rectifies that error as indicated below.

19,500 Hours currently approved by OMB
+ 160,586 Hours due to a reestimate in mine sites and time requirements
180,086 Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.68 and 817.68

A. Justification

1. Section 515(b)(15)(B) of the Act and its regulations, 30 CFR 816/817.68 require surface and underground mine operators using explosives to maintain records for a period of at least three years and documentation at varying levels. Upon request, copies of the records must be available to the regulatory authority and to the public for inspection. Sections 816/817.67 provide three methods for measuring ground vibration, each requiring documentation at varying degrees.

2. The information required is necessary for the regulatory authority to review previously conducted blasts to determine whether the blasts were conducted in accordance with the design performance standards. Paragraphs (a), (b), and (c) identify the operator and the person responsible for the blasting in order to match the blast record with the operation and determine if the blaster is certified as required by section 816/817.61. Paragraph (d) records the distance to dwellings, which is necessary to determine compliance with the requirement under section 816/817.61(d) concerning the distance of the blast from dwellings. Paragraph (e) records weather conditions, which influence air vibration and could require schedule changes. Paragraphs (f) through (m) provide information necessary to determine the magnitude of the blast and conformance with section 816/817.67 ground vibration limitations. Paragraph (n) identifies measures to limit flyrock, which is subject to distance restrictions under section 816/817.67(c). Paragraph (o) records information basic to seismic tests, and paragraph (p) records any schedule changes, which are used to determine compliance with the blasting schedule requirements under section 816/817.64. A discussion of each paragraph follows:
 - (a) The name of the operator conducting the blast is needed for the regulatory authority to ascertain liability.
 - (b) This information is necessary for the regulatory authority to evaluate the effects of the blast to determine whether the blast damaged any structures.
 - (c) This information is necessary to assure the regulatory authority whether a certified blaster conducted the blast.
 - (d) This information is necessary for the regulatory authority to determine whether the standards have been exceeded or not.
 - (e) Information on weather conditions is necessary for the regulatory authority to determine whether the blast influenced airblasts and so, consequential changes of schedules are necessary.
 - (f) A description of the blasting area is necessary for the regulatory authority to

evaluate whether the proper weight of explosives was used.

- (g)-(n) The information required in these paragraphs is necessary for the regulatory authority to evaluate whether the blaster followed proper blasting practices. Otherwise, it may result in license revocation.
- (o) Certain information is necessary if the blaster uses a seismograph. [Seismographs are required if maximum ground vibration is measured in accordance with sections 816/817.67(d)(2) or (d)(4). Procedures under section 816/817.67(d)(3) do not require seismographs.] Subparagraphs (1) through (5) are justified as follows:
 - 1) The types of seismic instruments used must be reported to the regulatory authority.
 - 2) The seismograph record must be related to the blasting records.
 - 3) The regulatory authority must be assured that a competent individual conducted the reading.
 - 4) The regulatory authority must be assured that a competent individual has analyzed the seismic records.
 - 5) The blasting vibration and/or airblast caused by the explosives must be documented for the regulatory authority to evaluate whether the blasting exceeded the performance standards or not.
- (p) The regulatory authority must be assured that the unscheduled blast was necessary and followed proper procedures.

The information required under this section is customary business practices. Blasting logs have been used by coal operators in states prior to the publication of these rules for insurance and legal purposes. Therefore, the burden associated with this collection is solely the burden to maintain the logs and supply the information as needed to the regulatory authorities and the public.

- 3. See list of items with identical responses.
- 4. See list of items with identical responses.
- 5. See list of items with identical responses.
- 6. See list of items with identical responses.

7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Record keeping and Reviewing Burden

- a. Estimate of respondent reporting burden

OSM estimates, based on discussions with those identified in item #8, that the burden to respondents to comply with 30 CFR 816/817.68 is 75,036 hours (962 ongoing surface operations x estimated 156 blasts per year per operation x .5 hours to record each blast). OSM is not including underground coal operations for this section since blasting at underground sites are generally conducted at the beginning of coal operations. Of the 75,036 hours, **11,544 hours** may be attributed to OSM (**12 hours** per operation to file, maintain and submit reports annually when requested). The remaining 63,492 burden hours are considered customary business practices since blasting logs were maintained prior to enactment of the regulations and are maintained for legal purposes.

There is no information collection burden to State regulatory authorities under 30 CFR 816/817.68.

- b. Estimate of cost to respondents

At the wage rate of \$45 per hour, the annual wage cost for each respondent for that portion of the total burden attributable to SMCRA to comply with 30 CFR 816/817.68 would be **\$540** (12 x \$45); those for all respondents would be **\$519,480** (962 operations x 12 hours per operation x \$45 per hour for clerical support).

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816.68 in the absence of any indication of problems. However, assuming that

OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs and on Federal lands not administered by a state under a cooperative agreement. There is no Federal program burden associated with the requirement for operators to file maintain records.

The total cost to the Federal Government is **\$1,800**.

15. There are 9,120 hours currently approved for this 816.68/817.68. This supporting statement reflects an increase of 2,424 due to an increase in respondents required to file, maintain and report blasting information.

9,120	Hours currently approved by OMB
+ 2,424	Hours due to an increase in active surface mines
11,544	Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.71 and 817.71

A. Justification

1. Section 515(b)(22) of the Act requires the proper design and construction of all excess spoil fills at surface coal mining operations to assure mass stability, safety and a fill that is compatible with the natural drainage pattern and surrounding land form. This section includes three provisions with information collection implications. The first one, 30 CFR 816/817.71(b)(1), requires that a qualified registered professional engineer experienced in the design of earth and rock fills certify the design of all excess spoil fills and appurtenant structures. The second, 30 CFR 816/817.71(e)(2), requires that the engineer certify that any design that calls for placement of spoil in lifts greater than 4 feet in thickness is stable and meets all other requirements. The information requirements for these two sections are covered under Part 780--Surface Mining Permit Applications--Minimum Requirement for Reclamation and Operation Plan; section 780.35--Disposal of Excess Spoil. This information is typically submitted as part of the permit application, required under Part 780 in order for the regulatory authority to assess the design of excess spoil disposal. Therefore, the burden is listed under section 780.35. Part 780 has been assigned OMB clearance number 1029-0036.

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

2. This report assures the regulatory authority that the fill is constructed in accordance with the design plan. Information gathered on excess spoil fill is necessary to ensure proper construction and environmental safety.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. The information cannot be collected less frequently because the construction phase is an ongoing activity with the potential of some segments of the fill being covered prior to the next inspection.
7. See list of items with identical responses.

8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Estimate of respondents reporting burden

Based on the FY 2006 State Annual Reports, approximately 2,933 surface mines and 1,831 underground mines were in operation. OSM estimates that each surface operation will maintain 5 excess spoil areas, and 10% of all underground operations retain 1 excess spoil disposal area. Professional engineers will take **8 hours** to inspect each site, prepare, file and maintain an inspection report for excess spoil disposal piles. This labor burden hour estimation is based on OSM's staff expertise and experience as a regulatory authority under Federal programs and Federal land programs, and comments received from respondents identified in item 8 above. OSM estimates that the labor burden for each surface mine respondent is **160 hours** (1 operation x 5 excess spoil disposal areas x 4 reports per year x 8 hours per inspection and report), and **32 hours** for underground mine respondents (1 excess spoil disposal area x 4 reports per year x 8 hours per inspection and report). Therefore, 2,933 surface mines x 160 hours = 469,280 burden hours for surface operators and 183 underground mines x 32 hours = 5,856 burden hours for underground operators. The total burden for all respondents to comply with sections 816/817.71 is **475,136 hours**.

b. Estimate of cost to respondents

At an average wage rate of \$60/hour for professional engineers, the annual cost for respondents would be **\$28,508,160** (475,136 hours x \$60). This cost also includes retaining the records at the mining site.

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816.71(h) in the absence of any indication of problems. However, assuming that

OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs and on Federal lands not administered by a State under a cooperative agreement. Therefore, the following formula will apply for Federal programs and land application:

For Federal programs and on Federal lands: 29 operations with excess spoil x 20 reports per operation x 1 hour to review the reports x \$45/hour = **\$26,100**.

The total cost to the Federal Government is **\$1,800 + \$26,100 = \$27,900**.

15. There are 226,560 hours currently approved by OMB for section 816.71/817.71. This supporting statement reflects an increase of 248,576 hours due to an increase in the number of respondents and a reestimate in the burden per respondent. Therefore, this information collection request will change as follows:

226,560	Hours currently approved by OMB
+ 248,576	Hours due to a reestimate
475,136	Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.81 and 817.81

A. Justification

1. Section 516(b)(5) of SMCRA requires that coal mine operators design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon all new and existing coal mine waste disposal facilities in accordance with the standards and criteria developed pursuant to section 515(f) of the Act. That section of the Act requires the Secretary to adopt regulations governing the listed activities. It also requires that the regulations include engineering and technical specifications and provisions for preconstruction review and approval of plans and specifications, periodic inspections during construction, and issuance of certificates upon completion of construction. The regulations at 30 CFR 829.81 reference 816.81 which implements these statutory provisions in part.
2. Regulatory authorities rely upon the design certification requirements of 30 CFR 829.81 to ensure that the coal mine waste disposal facility is designed in accordance with current, prudent engineering practices and does not present a public hazard or threat to property. To avoid disasters, section 829.81(a) requires that quarterly inspection findings be made and certified by a qualified registered professional engineer until the bank is covered with topsoil unless altered by the regulatory authority on a site-specific basis. This report must be submitted to the regulatory authority, as well as maintained at the mine-site. This requirement will assure the regulatory authority that the inspections were conducted in a timely manner and that a competent professional inspected the waste bank. If the operator does not collect this information and let it to be known to the public, there could be an imminent threat to public health, safety and welfare.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. Information is collected once during the design phase of the refuse pile. Less frequent certification would impair the ability of OSM and State regulatory authorities to ensure that coal waste disposal areas are prepared safely and in an environmentally protective manner consistent with the purposes and requirements of the Act. Furthermore, the Act specifically requires submission of some of the requested information at the indicated frequency.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.

10. See list of items with identical responses.
11. See list of items with identical responses.
12. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

There are two types of coal mine waste disposal facilities: refuse piles and impoundments. The design certification requirements of 30 CFR 816/817.81(c) for coal mine waste impoundments duplicate the design certification requirements of 30 CFR 780.25(a) (surface Mining) and 784.16(a) (underground mining) for all impoundments. Since 780 and 784 have their own information collection budgets, our estimate of the information collection burden for 30 CFR 816/817.81(c) addresses only refuse piles.

OSM estimates that 10% of all surface coal mining operations, or 293 operations will prepare a coal waste refuse pile. Further, OSM estimates that 90% of all underground coal mining operations, or 1,648 will prepare a coal waste refuse pile. Hence, we estimate that, each year, operators will need to prepare a total of 1,941 design certifications for refuse piles for coal mines.

Based on our experience, we estimate that each design certification under 30 CFR 816/817.61(c)(1) will require an average of 8 hours. This estimate includes only the time that the engineer needs to review and certify the design. It does not include the time needed to prepare the design itself. That time is included in the information collection burden estimate for 30 CFR 780.35 and 784.19, which requires that designs for these facilities be submitted as part of a permit application.

Accordingly, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 816/817.81 will total **15,528 hours** (1,941 design certifications per year x 8 hours per certification).

Design certifications for refuse piles do not require regulatory authority review apart from the permit application review conducted under 30 CFR 773.15, 780.35 and 784.19. These regulations have their own information collection budgets. Therefore, the design certification requirements do not place an added information collection burden on State regulatory authorities.

- b. Estimated Annual Wage Cost to Respondents

At an average salary of \$60 per hour, we estimate that the annual wage cost to underground mine operators and permittees to comply with the information collection

requirements of 30 CFR 817.81 will total **\$931,680** [15,528 hours (from item 12.a.) x \$60 per hour], or an average of \$480 per design.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 817.81 do not involve any capital or start-up costs unique to these requirements. Mining operations require engineering expertise and equipment as part of their customary and usual business practices. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

There are no significant, identifiable non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 817.81.

14. Estimate of Annualized Cost to the Federal Government

Under 30 CFR 773.15, 870.35 and 784.19, designs for refuse piles must be submitted and reviewed as part of a permit application. Checking for design certifications is part of the permit application review process under those regulations (when we are the regulatory authority) or our oversight of that process (when a state is the regulatory authority). Since both of those regulations have their own information collection budgets, the design certification requirements of 30 CFR 816/817.81 do not involve any added information collection cost to the Federal government.

15. There are 6,822 hours currently approved by OMB for section 816.81/817.81. This information collection request will add 8,706 hours due to a reestimate in burden per respondent. Therefore, the burden will change as follows:

6,822	Hours currently approved by OMB
+ 8,706	Hours due to a reestimate in respondent burden
15,528	Hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.83(d), 816.87, 817.83(d) and 817.87(d)

A. Justification

1. The Surface Mining Control and Reclamation Act (the Act) recognized the threat posed by improper disposal of coal waste. Congress included in the Act several provisions concerning coal processing waste and underground development waste. The Act mandates that this material be handled and disposed of in a controlled manner, which would not threaten the health and safety of the general public or adversely affect the surrounding environment.

Section 515(b)(3) of the Act requires the operator to backfill, grade and compact the excess burden and other spoil and waste materials after restoring the approximate original contour and to stabilize all coal processing waste through construction of compacted layers. Section 515(b)(13) requires the design and construction of coal waste piles in accordance with standard engineering practices. Furthermore, Section 515(b)(14) requires that all materials, which constitute a fire hazard or any material that is acid forming or toxic forming be properly treated or buried to prevent surface or ground water contamination. It also requires that contingency plans be developed to prevent sustained combustion. Section 515(b)(11) of the Act also requires that all waste piles must be stabilized through compaction.

2. There are two types of coal mine waste disposal facilities: refuse piles and impoundments. The design certification requirements of 30 CFR 816/817.81(c) for coal mine waste impoundments duplicate the design certification requirements of 30 CFR 780.25(a) and 784.16(a) for all impoundments. Since these parts have their own information collection budget, our estimate of the information collection burden for 30 CFR 816/817.81(c) addresses only refuse piles. As discussed in the supporting statement for 30 CFR /816817.71, the requirements of 30 CFR 816/817.81(c) apply to any pile containing coal mine waste, including underground development waste, without regard to whether or the extent to which the pile also contains excess spoil from the mine face-up or other surface activities.

Sections 816/817.87 of the regulations require that if a potential hazard (like fire) develops, the regulatory authority be notified promptly and that all procedures to safeguard the public be formulated. This will ensure the health and safety of the public and should avoid disasters. Sections 816/817.87(a) require that coal mine waste fires be extinguished by the operator, in accordance with a plan approved by the regulatory authority and under MSHA regulations at 30 CFR 77.215(j). The burning-coal-waste removal plan under section 816/817.87(b) is encompassed by the plan under section 816/817.87(a).

3. See list of items with identical responses.

4. See list of items with identical responses.
5. See list of items with identical responses.
6. Information is collected quarterly during the construction of the refuse pile. The information cannot be collected less frequently because the construction phase is an ongoing activity and some segments of the refuse pile would be covered before the next inspection.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

- a. Estimate of respondents reporting burden

OSM estimates that 10% of surface coal mining operations contain coal mine waste refuse disposal sites during a coal production period, while 90% of underground coal mining operations contain coal waste disposal sites. Therefore, there are approximately 293 surface mines and 1,648 underground mines with waste refuse disposal sites, or 1,941 waste refuse disposal sites.

OSM also estimates that professional engineers will take **3 hours** to prepare, file and maintain a quarterly inspection report for coal waste disposal piles. This burden hour estimation is based on OSM's staff expertise and experience as a regulatory authority under Federal programs and Federal lands programs and comments received from respondents identified in item 8 above. OSM estimates that the burden hours for each respondent are **12 hours** (1 waste disposal site x 4 inspection reports x 3 hours per report). All respondents will require **23,292 hours** (1,941 operations x 4 reports per year x 3 hours per inspection report). This burden estimate includes filing time and the burden to submit to the regulatory authority a copy of the MSHA required plan for fire extinguishments.

- b. Estimate of cost to respondents

At the wage rate of \$60 per hour for professional engineers, the annual cost for each respondent is **\$720** (4 reports x 3 hours x \$60 per hour), and total cost for all respondents

is **\$1,397,520** [23,292 hours (from 12.a) x \$60]. This cost also includes retaining the records at the mining site.

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.83(d) and 816/817.87 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs. Therefore, the following formula will apply for Federal programs:

For Federal programs: 29 operations x 25% of the operations with excess spoil x 4 reports per operation x 1 hour to review the reports x \$45/hour = **\$1,305**.

The total cost to the Federal Government is **\$1,800 + \$1,305 = \$3,105**.

15. There are 27,288 hours currently approved by OMB for these sections. This supporting statement reflects a decrease of 3,996 hours due to a reduction in underground sites.

27,288 Hours currently approved by OMB
- 3,996 Hours due to a reestimate in respondents for 817.83
23,292 Hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.116 and 817.116

A. Justification

1. These sections specify the standards for success for revegetation. In order to determine revegetation success State regulatory authorities must establish standards and statistically valid sampling techniques, and coal mining operators must document the effectiveness of the vegetation for the approved postmining land use, the extent of cover compared to the cover occurring in natural vegetation of the area, and the general requirements of Sections 816.111 and 817.111. Section 515(b)(19) of SMCRA requires that operators establish permanent vegetative cover on lands to be affected to achieve the approved postmining land use.
2. Regulatory authorities use the documentation maintained by operators to determine whether revegetation success standards have been met for Phase 3 bond release under 30 CFR 800.40 (approved separately).
3. The collection of information required under 30 CFR 816.116 and 817.116 is unique to each applicant and mining area. Respondents are State regulatory authorities who develop standards for successful revegetation of mined lands; and individual mining companies who inspect mined lands being reclaimed to determine the success of their revegetation efforts and maintain reports. The required information may be collected and maintained in electronic format at the discretion of the regulatory authority and mine operator.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Estimated Information Collection Burden

a. Estimate of respondents reporting burden

OSM estimates that approximately 2 State regulatory authorities will modify their standards for revegetation success, requiring approximately 100 hours to complete each modification. The burden for the States is 200 hours annually.

In addition, 816/817.116 requires that coal mine operators in phase 3 bond release conduct investigations of revegetation and document the success rate. Based on discussions with operators and States, operators require 40 to 120 hours per year to conduct the sampling and documentation, with an average of 80 hours per year for each operator. The burden varies depending on the location on the country, postmining land use, size of the parcel being evaluated, and the variability of the vegetation. Further, OSM has determined that there are 880 operators who conduct revegetation success sampling annually.

Therefore, the burden for each State regulatory authority is 100 hours, or 200 hours for all States to prepare revegetation success and statistically valid sampling techniques. It also takes each operator approximately 80 hours to conduct their site inspections and document their revegetation success, or 70,400 hours for all 880 operators to comply with 30 CFR 816/817.116.

The burden for all respondents to comply with sections 816/817.116 is **70,600 hours** (200 hours for States + 70,400 hours for operators).

b. Estimate of Cost to Respondents

At an average wage rate of \$45 per hour, the annual cost for each State regulatory authority would be \$4,500 (100 hours/report x \$45), or \$9,000 for all States.

At an average wage rate of \$60 per hour, the annual cost for each coal operator would be \$4,800 (80 hours/report x \$60), or \$4,224,000 for all coal operators.

The total cost to all respondents to comply with the requirements of this section is **\$4,233,000**.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 816/817.116 do not involve any capital or start-up costs unique to these requirements. The expertise and equipment needed to conduct sampling and record the findings are customary and usual business

expense for mining operations. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.116 at \$50 per mine per year, for a total annual cost of **\$44,000** (880 surface and underground mines x \$50 per mine). These costs consist primarily of fuel and vehicle maintenance expenses for travel to the mine.

14. Estimates of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816/817.116 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one state program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated \$1,800 (40 hours x \$45/hour).

Federal Programs: OSM processes all permit applications for Federal programs and on Federal lands not totally administered by a state under a cooperative agreement. Therefore, the following formula will apply for Federal programs and lands applications:

For Federal programs and Federal lands: 10 operations (or permits under Federal program states x 10 hours to review the documentation x \$45/hour = \$4,500.

The total Federal cost is $\$1,800 + \$4,500 = \$6,300$.

- 15. There are currently 70,600 burden hours associated with sections 816/817.116 currently approved by OMB. This collection does not alter the burden currently approved.
- 16. See list of items with identical responses.
- 17. See list of items with identical responses.
- 18. See list of items with identical responses.

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 817.121

A. Justification

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

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

Section 516(b)(1) of SMCRA, which specifies that each permit for an underground mine must require the operator to adopt measures to prevent subsidence to the extent technologically and economically feasible, in combination with section 516(a), which requires that the Secretary adopt rules to implement section 516, provide the statutory authority for 30 CFR 817.121(g).

2. Regulatory authorities use the detailed plans submitted under 30 CFR 817.121(g) to evaluate compliance with the subsidence control plan submitted and approved under 30 CFR 784.20.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. This information is reported once and is needed to ensure that subsidence is prevented to the extent technologically and economically feasible.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.

10. See list of items with identical responses.

11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Since operators of underground mines must prepare detailed plans for future underground workings as part of their standard business practices and for the Mine Safety and Health Administration, we are not including the cost of preparing the detailed plans in the information collection burden estimate for 30 CFR 817.121(g). The only burdens that this section adds are preparation of the descriptions that the operator adds to explain the plans to the regulatory authority and the actual submission of the plans to the regulatory authority. Based in part on consultation with the individual listed in item 8, we estimate that these activities will require an average of 3 hours per plan.

As noted above, the detailed plans required under 30 CFR 817.121(g) are a one-time submission, the timing of which occurs at some point after approval of the permit application but before most underground operations begin. Therefore, this requirement will apply only to newly permitted underground mines.

OSM estimates that approximately 80 new underground mine permits are issued each year by regulatory authorities. Therefore, we estimate that the annual information collection burden on mine operators and permittees to prepare and submit detailed plans under 30 CFR 817.121(g) will total **320 hours** (80 new permits issued per year x 1 detailed plan per permit x 4 hours per detailed plan).

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

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$60 per hour, we estimate that the annual wage cost to underground mine operators and permittees to comply with the information collection requirements of 30 CFR 817.121 will be **\$19,200** [320 hours (from item 12.a.) x \$60 per hour], or an average of \$240 per plan.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

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

b. Operation and Maintenance Costs

OSM estimates miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 817.121 at \$20 per plan, for a total annual cost of **\$1,600** (80 new underground mine permits issued per year x 1 detailed plan per permit x \$20 per plan). These costs consist primarily of drafting and office supplies, copying and delivery expenses for providing the regulatory authority with a copy of the plans.

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

14. Estimate of Annualized Cost to the Federal Government

The detailed plans submitted under 30 CFR 817.121(g) normally do not require regulatory authority or oversight review apart from the inspections that we conduct under 30 CFR 842.11, which has its own information collection budget. Therefore, the only significant information collection cost to the Federal government under 30 CFR 817.121 is the expense of filing plans submitted to us when we are the regulatory authority. In our experience, we need an average of 0.25 hour per plan to file these plans.

In FY 2005, we issued 2 new underground mine permits. At an average salary of \$45 per hour, the annual wage cost to the Federal government to file the detailed plan for this permit would be **\$15** (2 permits issued per year x 1 detailed plan per permit x 0.25 hour per plan x \$45 per hour). Non-wage recordkeeping costs are insignificant because the plans are filed as part of the mine records that we must maintain under 30 CFR 842.16, which has its own information collection budget.

15. There are 240 burden hours currently approved for 30 CFR 817.121. This request will increase the burden hours due to a reestimate in burden per response. The change in hours is shown in the following table:

240 Hours currently approved by OMB

+ 80 Hours due to a reestimate in respondent burden
320 Hours requested

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

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 817.122

A. Justification

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

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

The notification required by 30 CFR 817.122 applies only to those underground mines that prepare subsidence control plans. We estimate that 90 percent of all underground mines must prepare such plans under 30 CFR 784.20(b). In addition, most underground mines are located in relatively remote areas with few structures and large landholdings. Hence, the number of landowners and occupied dwellings overlying the planned underground workings is usually low, and the mine may be working beneath the same landholdings for more than 6 months. Taking these factors into consideration, we estimate that 50 percent of the active underground mines with subsidence control plans will need to provide notifications to an average of three surface landowners and residents of occupied dwellings every 6 months.

Regulatory authorities reported a total of approximately 606 active underground mines for FY 2005, which translates to 272 mines for which mine operators will need to provide notification. Accordingly, we estimate that, every 6 months, mine operators will need to mail a total of 816 notifications (272 mines x 3 surface owners or residents per mine x 1 notification per owner or resident), which translates to 1,632 notifications per year.

We estimate that each notification letter will require 0.5 hour to prepare and mail. Therefore, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 817.122 will total **816 hours** (1,632 notification letters per year x 0.5 hour per letter).

The notifications required under 30 CFR 817.122 do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Hence, there is no information collection burden for State regulatory authorities under 30 CFR 817.122.

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$60 per hour, we estimate that the annual wage cost to underground mine operators and permittees to comply with the information collection requirements of 30 CFR 817.122 will be **\$48,960** [816 hours (from item 12.a.) x \$60 per hour].

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

The information collection requirements of 30 CFR 817.121 do not involve any capital or start-up costs unique to these requirements. Therefore, we are not assigning any capital or start-up costs to the information collection burden for this section.

b. Operation and Maintenance Costs

We estimate that miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 817.122 will total \$3 per notification letter for a total annual cost of **\$4,896** (1,632 notification letters per year x \$3 per letter). These costs consist primarily of office supplies, copying and delivery expenses.

14. Estimate of Annualized Cost to the Federal Government

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

15. There are currently 1,080 burden hours approved for this section. This information collection request will decrease the burden hours by 264 hours due to a recalculation in the number of subsidence control plans submitting notifications to landowners. The change in hours reflects the following adjustments:

1,080	Hours currently approved by OMB
- 264	Hours due to a reestimate
816	Hours requested

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

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement of 30 CFR 816.131 and 817.131

A. Justification

1. This section requires the surface mine operator who ceases operations on a temporary basis to notify the regulatory authority of his intention to cease or abandoned mining and reclamation operations. This section also spells out what should be included in the notice. The statutory authority for this section is broadly provided in sections 509, 510, and 515 of the Act. The temporary cessation notice provides the regulatory authority with the information needed to ascertain that the operator has not abandoned the site without completing reclamation.
2. The required information would assure that the regulatory authority is notified of the cessation, and the operator's activities that would protect or improve the environment, and that the protective measures implemented by the operator will continue, or that appropriate alternative measures have been brought to the regulatory authority's attention. This will facilitate the evaluation of closure measures and provide for their modification, if necessary. Failure to provide this information would allow for loss and degradation of soil and water resources and other environmental mismanagement.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Estimates of Annualized Cost to Respondents
 - a. Estimate of respondents reporting burden

The most important factors affecting temporary cessation of coal operations are coal price in the market, demand from a buyer (wholesaler, utility company) and the status of

coal stocks. Therefore, the number of temporary cessations for coal operations fluctuates from year to year, depending on the forces of those factors. Based on discussions with those identified in item #8, OSM estimates that a coal operator takes **16 hours** to prepare and file a cessation of operations notice. OSM also estimates that nationwide, approximately 275 surface mines and 60 underground mines file for temporary cessation annually. Therefore, it is estimated that the burden to each respondent is **16 hours** and the burden to comply with 30 CFR 816/817.131 for all respondents is **5,360 hours** [335 operators x 1 temporary cessation notice x 16 hours to prepare each notice].

b. Estimate of cost to respondents

The cost to each respondent is \$960 (16 hours x \$60 per hour), and the cost to all respondents would be **\$321,600** (5,360 x \$60).

13. Total Annual Non-Wage Cost Burden to Respondents

There are no annual costs beyond those reported in item 12.

14. Estimated Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 816.131 in the absence of any indication of problems. However, assuming that OSM conducts an oversight review of this portion in one State program per year, one review requires an average of 40 hours. The annual cost to the Federal government for this oversight function is an estimated **\$1,800** (40 hours x \$45/hour).

Federal Programs: OSM is the regulatory authority under Federal programs. The estimate below is based on OSM's experience in processing applications under the Tennessee and Washington Federal Program and in reviewing operations information during oversight of state programs.

For Federal programs: it is estimated that 4 operations file for temporary cessation annually x 1 notice per operation x 3 hours to review each notice x \$45/hour = **\$360**.

The total cost to the Federal Government is **\$1,800 + \$360 = \$1,560**.

15. There are 5,360 hours currently approved for 816.131/817.131. This supporting statement reflects no change in burden hours from the previous submission.

5,360 Hours currently approved by OMB
 + 0 Hours due no change in respondent burden hours

5,360 Hours requested

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

B. Collection of Information Employing Statistical Methods

See list of items with identical responses.

Supporting Statement for 30 CFR 816.133 and 817.133

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

Supporting Statement for 30 CFR 816.151 and 817.151

A. Justification

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

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

2. Regulatory authorities rely in part upon the construction certification requirements of 30 CFR 816/817.151 to ensure that mine roads are constructed in accordance with current, prudent engineering practices and do not present an environmental hazard or threat to property.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Based on our experience, we estimate that all new mine permits will include the construction or reconstruction of one or more primary roads. In addition, based on informal consultation with a major State regulatory authority, we estimate that, each year, 20 percent of all active existing mines will expand or revise their permit boundaries to construct a new surface facility such as a road, portal, or other mine opening. We anticipate that 80 percent of those permit revisions will involve the construction or reconstruction of a primary road. In both cases, for purposes of this analysis, we will assume that the road construction is completed in the same year that the permit was issued or the revision was approved, and that all roads within the permit area are included in the same certification report.

In FY 2005, regulatory authorities issued a total of 258 new mine permits. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that, each year, 258 mines resulting from newly issued permits will need to provide a road construction completion certification report (258 new permits per year x 1 certification per permit). Regulatory authorities also reported a total of approximately 1398 actively producing coal mines for FY 2005. Therefore, applying the assumptions discussed in the preceding paragraph, we estimate that, each year, 223 active existing mines will need to provide a road construction completion certification report [1,398 active existing underground mines x 0.2 permit boundary revisions per mine per year x 0.8 (proportion of permit boundary revisions that include road construction) x 1 certification per permit boundary revision].

Hence, we estimate that, each year, operators will need to provide a total of 481 construction completion certification reports for primary roads

Based on discussions with those identified in item #8, we estimate that each construction completion certification report under 30 CFR 816/817.151(a) will require an average of 11 hours to prepare and submit because of the need for a survey of all roads and subsequent preparation of new plans and drawings as part of the certification report. While the time required to complete a road survey depends upon the extent and configuration of the road and the amount of disruption by road traffic, our experience indicates that the survey will take at least as long as (and often longer than) a survey of a major impoundment.

Accordingly, we estimate that the annual information collection burden on mine operators and permittees under 30 CFR 816/817.151 will total **5,291 hours** (481 road certification reports per year (from “Background” section) x 11 hours per certification).

Construction completion certification reports for primary roads do not require regulatory authority review apart from the inspections conducted under 30 CFR 840.11, which has its own information collection budget. Therefore, the only significant information collection burden to State regulatory authorities under 30 CFR 816/817.151 is the expense of filing the reports which constitutes customary business practices for State regulatory authorities.

b. Estimated Annual Wage Cost to Respondents

At an average salary of \$60 per hour, we estimate that the annual wage cost to underground mine operators and permittees to comply with the information collection requirements of 30 CFR 817.151 will be **\$317,460** [5,291 hours (from item 12.a.) x \$60 per hour], or an average of \$660 per report.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annualized Capital and Start-Up Costs

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

b. Operation and Maintenance Costs

We estimate miscellaneous non-wage operation and maintenance costs to mine operators and permittees for compliance with the information collection requirements of 30 CFR 816/817.151 at \$50 per certification report, for a total annual cost of **\$24,050** (481 certification reports per year x \$50 per report). These costs consist primarily of fuel and equipment maintenance expenses for travel to the mine, drafting and office supplies, and copying and delivery expenses for providing the report to the regulatory authority.

14. Estimate of Annualized Cost to the Federal Government

The certification reports submitted under 30 CFR 816/817.151 normally do not require regulatory authority or oversight review apart from the inspections that we conduct under 30 CFR 842.11, which has its own information collection budget. Therefore, the only significant information collection cost to the Federal government under 30 CFR 816/817.151 is the expense of filing reports submitted to us when we are the regulatory authority which is customary business activities.

15. There are currently 8,912 burden hours approved for 30 CFR 816.151/817.151. This request will reduce the burden by 1,941 hours due to a reduction in use and a reestimate in burden per response.

8,912 Hours currently approved by OMB
- 3,621 Hours due to a decrease in new mine permits, and lower burdens reported
5,291 Hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

B. Collections of Information Employing Statistical Methods

See list of items with identical responses.