

**Supporting Statements for Reporting and Recordkeeping  
Requirements:**

**30 CFR 773 – Requirements for Permits and Permit Processing**

**1029-0115**

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) submits this request for information collection approval to collect information under 30 CFR Part 773, Requirements for Permits and Permit Processing. The regulations under Part 773 address general and specific requirements for applicants to provide information in the permitting process and for regulatory authorities to review permit applications, determine permit eligibility, and ascribe permit conditions. Part 773 also contains provisions governing provisionally issued permits, improvidently issued permits, and challenges of ownership or control listings and findings. The regulatory provisions under 30 CFR Part 773 are authorized in various sections of the Surface Mining Control and Reclamation Act of 1977, as amended (SMCRA or the Act), Public Law (P.L.) 95-87.

On December 19, 2000, OSM promulgated certain revisions to its regulatory requirements under Part 773 in the 2000 Ownership and Control final rule (65 FR 79582) (2000 final rule). The adopted revisions caused the entire Part 773 to be reorganized. Many of the regulatory provisions not directly affected by conceptual basis of the final rule were re-designated and/or editorially revised to reflect plain language principles required by the Department for the rulemaking.

The final rule became effective on January 18, 2001. On February 15, 2001, the National Mining Association (NMA) filed suit in United States District Court to overturn parts of the rule. OSM and NMA agreed to attempt to settle the issues NMA proposed to litigate. The lawsuit included specific provisions adopted in 30 CFR Part 773. The parties were able to settle all of the issues raised by NMA. As a condition of the settlement, OSM agreed to propose rulemaking to amend certain provisions adopted in the 2000 final rule. OSM first published a proposed rulemaking to address the majority of the issues in the lawsuit in 2003 (68 FR 75036, December 19, 2003). This proposed rulemaking addressed, among other provisions, certain regulatory requirements in 30 CFR Part 773. As a result of the lawsuit and subsequent settlement, OSM has not published requirements for approved State programs to adopt counterpart regulations to the regulatory revisions promulgated in the 2000 final rule. Therefore, State compliance with the regulatory changes adopted in the 2000 final rule remains strictly voluntary.

The Office of Management and Budget (OMB) has previously approved information collection for 30 CFR Part 773 based upon our 2003 renewal request for continued approval. OMB assigned clearance number 1029-0115 for approved information collection under 30 CFR Part 773.

Following are the provisions in 30 CFR Part 773 relevant to this request for continued information collection approval.

- Section 773.6(a)(1) requires an applicant to provide a copy of the newspaper advertisement announcing its intent to mine in an application for a permit.

- Section 773.6(a)(2) requires an applicant to file a copy of its application at the courthouse or other approved public location in the county where the mining operation is proposed to be located.
- Section 773.6(a)(3) requires regulatory authorities to issue written notification of an applicant's intent to mine to local, State, and Federal government agencies having a regulatory interest in the proposed mining operation.
- Section 773.6(b)(3)(ii) requires a regulatory authority to file written comments or objections received from the public and government agencies at the same public office where the permit application is filed.
- Section 773.7(a) requires regulatory authorities to review applications for permits, revisions, renewals, written comments and objections, and written records of any informal conference or hearing. The purpose of the review is to issue a written decision as to whether an application for a permit, revision or renewal is administratively complete.
- Section 773.10(c) requires regulatory authorities to determine if an applicant, its controllers, its operator, or its operator's controllers have previous mining experience.
- Section 773.12 contains the procedural requirements for regulatory authorities in making permit eligibility determinations, following completion of the reviews at sections 773.9, 773.10, and 773.11. It requires regulatory authorities to review applicant, operator, ownership, control, previous permit(s), compliance, and other available information to make a permit eligibility determination.
- Section 773.14(b) provides for regulatory authorities to determine provisional permit eligibility for applicants who are not eligible for a permit under section 773.12.
- Section 773.19(b) requires regulatory authorities to notify local, State, and Federal agencies, with a regulatory interest in surface coal mining, when and to whom a permit is issued.
- Section 773.19(e)(2) requires an applicant to submit a written request for an extension to commence mining operations if such an extension becomes necessary.

This information collection clearance package submission is estimated to result in an increase of 23,592 hours to the information collection burden for 30 CFR Part 773. The cumulative increase is principally due to a correction to add burden for section 773.7(a), omitted from our previous requests for information collection approval.

Unique portions of each section will be separately discussed in the following justification statements. However, responses to certain questions in each section are identical. Numbered Identical Responses to Statements have been separately prepared and are referenced in the individual sections.

A Summary table of the Information Collection Requirements for 30 CFR Part 773 is shown below.

**SUMMARY**  
Information Collection  
30 CFR Part 773

SECTION	APPLICANT/ PERMITTEE RESPONSES	STATE RESPONSES	APPLICANT BURDEN	STATE BURDEN	TOTAL HOURS	CURRENTLY APPROVED HOURS	CHANGE TO BURDEN
773.6 (a) & (b)	326	316	1.75	1	888	818	70
773.7(a)	0	2,964	0	8	23,712	0*	23,712
773.10(c)	0	33	0	5	165	150	15
773.12	0	282	0	32	9,024	9,312	(288)
773.14(b)	32	32	1	1	64	32	32
773.19	82	364	6	2.5	797	746	51
<b>TOTALS</b>					34,650	11,058	23,592

\* The information collection burden for State governments under section 773.7(a) has been omitted from previous requests for information collection approval.

**SUMMARY OF CHANGES TO THE APPROVED BURDEN**

Purpose of Changes	Burden hour Change
Estimated increases in use in sections 773.6, 773.10, 773.14, and 773.19.	168
Estimated decrease in use in section 773.12.	(288)
Addition of burden for section 773.7(a) previously omitted	23,712
<b>Total</b>	<b>23,592</b>



## IDENTICAL RESPONSES TO STATEMENTS

### A. Justification

3. Applicants are required to provide specific information in applications for surface coal mining and reclamation permits. State regulatory authorities are required to provide certain information to OSM as part of the permitting process. The information collected from applicants and States is authorized under SMCRA. Most of the information used in 30 CFR Part 773 is required for disclosure under 30 CFR Part 778.

Most of the information collected under 30 CFR Part 773 is conducive to electronic media or transmission. Since 1987, entity, legal, permit history, and compliance information has been maintained for permit history, active permitting, and enforcement purposes in OSM's Applicant/Violator System (AVS). OSM and 24 approved State regulatory programs maintain and use AVS for a variety of purposes, including permitting and enforcement. The industry and general public may also obtain access to AVS to view applicant, permittee, permit history, and violation information. On request, OSM also provides business organization information from AVS in electronic form to applicants, operators, and Abandoned Mine Land (AML) program contractors.

Virtually all State regulatory authorities have the capability of receiving permit applications electronically, either through an ftp site or via CD-ROM. Some permit applicants use computer technology to create, store, and submit information electronically, but the percentage varies based on the size of the company and their technical abilities. Larger coal companies have in-house staff or hire engineering firms to prepare their applications. These companies use automated technology to prepare and submit the applications to State regulatory authorities. Small coal companies, which may not have the technical capability or personnel capable of preparing and submitting applications, may still submit paper forms. Once the State regulatory authorities receive paper applications, some will convert the applications to an electronic format for review and processing. The states with the greatest number of permit applications, such as Kentucky and Virginia, receive approximately 90% electronically, while some receive 0%. Nationally, OSM estimates that the State regulatory authorities receive approximately 33% of permit applications electronically.

It must be noted that the vast majority of permit applications are received by States where OSM does not have the authority to require electronic submissions of permit applications. OSM can only recommend using electronic methods to improve efficiency.

4. The required information under 30 CFR Part 773 is unique to each applicant for a surface coal mining permit. No other source of the information is available. Respondents are companies in the coal mining business who apply for permits to mine coal using surface coal mining methods and State regulatory authorities with review and decision-making requirements in permitting processes. Recent rulemaking has revised provisions in 30 CFR Part 773 to further eliminate duplicate submissions of the same information. OSM has not yet required State regulatory authorities to adopt counterpart regulations to the

provisions revised by way of the 2000 final rule. However, some States have voluntarily adopted procedures to eliminate duplicate information requirements.

5. There are no special provisions for small businesses or other small entities under these regulations. Data available to OSM from another Federal agency indicates that out of approximately 2,000 coal mining operations, all but 11 qualify as a small business under Small Business Administration regulations. However, OSM does have a small operator assistance program, regulated under 30 CFR Part 795, which has a separately approved information collection clearance number.
6. Respondents provide information required under 30 CFR Part 773 only at the time of application for a new permit or other permitting action. Less frequent collection of the information would compromise the accuracy and completeness of information required for nationwide permitting and enforcement purposes and would not be in compliance with the Act.
7. Information collection under 30 CFR Part 773 is consistent with 5 CFR 1320.5(d)(2), except for the number of copies of an application required to be submitted to a State regulatory authority. States require from one to five copies of an application, depending on the State, regardless of whether the application is in electronic or paper form. OSM is currently preparing regulations to require a maximum of one original and two copies of each permit application where they are the regulatory authority, and informing the State regulatory authority that this is the appropriate number where they are the regulatory authority for Federal lands.
8. OMB has previously approved OSM's information collection authority for 30 CFR Part 773. OMB's most recent review and approval was the result of OSM's request for continued information collection approval in August 2003. OMB has assigned approval number 1029-0115 to our information collection authority in 30 CFR Part 773.

At the time of this request for information clearance approval, only OSM, in States and regions where it is the regulatory authority, is required to implement the regulatory changes adopted in our 2000 final rule. Therefore, only Federal officials and an industry official familiar with Federal permitting requirements have been contacted concerning the changes in the information collection burden shown in this submission.

Federal Regulatory Authority Officials Contacted:

Debbie Effler  
Office of Surface Mining Reclamation and Enforcement  
Knoxville, Tennessee Field Office  
865.545.4103, extension 144

Carl Johnston  
Office of Surface Mining Reclamation and Enforcement  
Western Region  
Denver, Colorado  
303.844.1400, extension 1500

Coal Mining Industry Official Contacted:

Phil Boggs, Consultant  
Mark V Mining and Engineering, Inc.  
353 North Cullum Street  
Clinton, Tennessee 37716  
865.457.1664

The Federal officials agree that the current information collection requirements in 30 CFR Part 773 for industry respondents are not burdensome and neither are the reviews required by State respondents in this Part. At this time, State implementation of revisions adopted in their counterparts to 30 CFR Part 773 is strictly voluntary. The industry official stated the information collection in 30 CFR 773 is not especially burdensome.

On September 11, 2006, OSM published in the Federal Register (71 FR 53476) 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 does not provide payments or gifts to respondents.
10. No confidential information is solicited or required under the information collection requirements for 30 CFR Part 773. If an applicant identifies information in an application it wants to remain confidential, regulatory authorities rely upon the regulatory provisions at 30 CFR 773.6(d) to ensure confidentiality of qualified information. There are limitations to information that may qualify for confidentiality.
11. Not applicable. No sensitive information is solicited or required under the information collection requirements for 30 CFR Part 773.
16. Not applicable. OSM has no plans to publish the information collected under 30 CFR Part 773.
17. Not applicable. OSM does not seek a waiver from the requirement to display the expiration date of the OMB approval of the information collection under 30 CFR Part 773. The OMB control number is 1029-0115 for 30 CFR Part 773 and is found in section 773.3.

18. Not applicable. There are no exceptions to the certification statement in Item 19 of OMB Form 83 - I.

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

Statistical methods are not appropriate for collection of the information required under 30 CFR Part 773. The information collected is unique to each respondent and is required to obtain a benefit.

**Supporting Statement for Recordkeeping Requirements  
Section 773.6**

**A. Justification**

1. Section 773.6 provides for public participation in permitting processes. The legal authority for this section is found in sections 102(b) and 102(i), and section 507 of SMCRA. The information under section 773.6 is required from applicants in order for the public to assess if there are adverse effects anticipated from a proposed surface mining operation.
2. Respondents under 30 CFR Part 773 are applicants for new surface coal mining permits, significant permit revisions, permit renewals, and State regulatory authorities. Applicants are required to advertise their intent to mine in order to allow the public in the vicinity of the proposed mining to comment on such intent. Applicants are also required to file a complete copy of an application for a new permit, a significant permit revision, or a permit renewal at the county court house where the mining is proposed to occur.

State regulatory authority respondents are required to notify local governments, Federal and State agencies that an applicant intends to mine, the land to be mined, and the location where comments on the application may be submitted. Section 773.6 also requires State regulatory authorities to file the written comments and any objections at the same public office where the application is filed.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

The total number of applications annually submitted by industry respondents is estimated to be 326. The estimated number of applications is based upon data collected for the 2005 evaluation year and represents an increase over our previous request. The following table shows the estimated burden hours for industry respondents (Federal and State applicants) and State regulatory authority respondents under section 773.6. Some calculations have been rounded.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State hours per Response	Total Hours
773.6(a)(1)	326	0	.75	0	245
773.6(a)(2)	326	0	.25	0	82
773.6(a)(3)	326	0	.25	0	82
773.6(b)(3)(ii)	326	0	.50	0	163
773.6(b), (c) and (d)	0	316	0	1	316
TOTALS					888

We estimate all 326 applications will require a cumulative 1.75 hours to provide required information under paragraphs (a)(1), (a)(2), (a)(3), and (b)(3)(1). This estimate of hourly burden for industry respondents under section 773.6 is unchanged from our previous request. Therefore, we estimate the information collection burden for industry respondents will 572 hours (326 applications x 1.75 hours per application).

We estimate 316 of the 326 total applications will be applications for State permits. We estimate State regulatory authorities will require an average of 1 hour per application to review the information. Therefore, we estimate the review burden to States under section 773.6 is 316 hours (316 State applications x 1 hour per review).

Therefore, the total estimated information collection burden for all respondents under section 773.6 is 888 hours (572 hours for applicants + 316 hours for State regulatory authorities).

**b. Estimated Wage Cost to Respondents**

The annual average salary used to estimate the wage cost to industry respondents is \$60 per hour. Therefore, we estimate the wage cost for industry respondents under section 773.6 will be \$34,320 (572 hours x \$60 per hour). The average cost of each industry response is \$105 (\$60 per hour x 1.75 hours per response).

The annual average salary used to estimate the wage cost to State respondents is \$45 per hour. Therefore, we estimate the wage cost for State respondents under section 773.6 will be \$14,220 (316 hours x \$45 per hour). The average cost of each State regulatory authority response is \$45 (\$45 per hour x 1 hour per response).

Therefore, the estimated annual costs for all respondents under section 773.6 will be \$48,540 (\$34,320 for industry respondents + \$14,220 for State respondents),

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 773.6 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements for this section apart from the newspaper advertisement required under section 773.6(a)(1). The newspaper advertisements are estimated to cost \$40 each. Therefore, the total cost of newspaper advertisements to respondents is estimated to be \$13,040 (\$40 x 326 respondents).

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.6 in the absence of an indication of problems. OSM estimates it will conduct one oversight review of section 773.6 in one State per year. OSM estimates that the oversight review will require 20 hours. This estimate of review time is unchanged from our previous request for information collection approval. The annual average salary used to estimate the wage costs to the Federal government is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.6 will be \$900 (1 oversight review x 20 hours x \$45 per hour).

Federal Programs. OSM estimates it will annually receive approximately 10 applications for permits on Federal lands and in Federal programs. This estimate is based upon data collected for the 2005 evaluation year. We estimate OSM will require 1 hour to review the information provided under section 773.6. This estimate is unchanged from our previous request for information collection approval for section 773.6 under Federal programs. The average salary used to estimate Federal wage costs is \$45 per hour. Therefore, the estimated cost to OSM to review 10 Federal applications under section 773.6 is \$450 (10 applications x 1 hour per review x \$45 per hour).

Therefore, the total cost to the Federal Government under section 773.6 is estimated to be \$900 (\$600 for oversight + \$300 for Federal programs).

15. The estimated change in burden hours is shown below.

818 hours currently approved

+ \_\_\_\_\_ 70 hours: Adjustment due to an estimated increase in use  
888 hours requested on the OMB 83-I

16. See Identical Responses to Statements.

17. See Identical Responses to Statements.

18. See Identical Responses to Statements.

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

See Identical Responses to Statements.



**Supporting Statement for Recordkeeping Requirements**  
**Section 773.7(a)**

**A. Justification**

1. Section 773.7(a) requires regulatory authorities to review applications for new permits, permit revisions, permit renewals, written comments and objections on these applications, and written records of any informal conference or hearing held on these applications. Section 773.7(a) is authorized under section 510(a) of SMCRA. The end product of these reviews is a written decision issued by regulatory authorities as to whether an application for a new permit, permit revision, or permit renewal is administratively complete.

The information collection burden for section 773.7(a) was omitted from our previous requests for information collection approval. Before our 2000 request for approval, we believe the burden for section 773.7(a) may have been rolled into the burden for previous section 773.15(a). In addition, we did not identify the burden in either our 2000 or 2003 requests for approval. In our 2000 final rule, we completely reorganized 30 CFR Part 773 by breaking previously large and complex sections into smaller and more digestible sections. Current section 773.7(a) is the result of redesignating one part of previous section 773.15(a). This request for information collection approval corrects this omission.

2. Respondents under section 507(a) are State regulatory authorities. State regulatory authorities are required to review each application for a new permit, permit revision, and permit renewal. State regulatory authorities also are required to review any comments and objections submitted on an application for a new permit, permit revision, or permit renewal as well as the record of any informal conference or hearing held concerning an application for a new permit, permit revision, or permit renewal. After the reviews in section 773.7, the State regulatory authority is required to issue a written decision as to whether an application is administratively complete. Only an administratively complete application will continue through the review process in 30 CFR Part 773 towards a regulatory authority determination of permit eligibility under section 773.12 and the additional provisions under 30 CFR Part 773.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.

9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

The total number of applications for new permits annually submitted by industry respondents is estimated to be 326. The estimated number of applications is based upon data collected for the 2005 evaluation year and represents an increase over our previous request. The total number of applications for permit revisions annually submitted by industry respondents is estimated to be 1,978. The estimated number of applications for permit revisions is based upon data collected for the 2005 evaluation year and represents a decrease from our previous request. The total number of applications for permit renewals annually submitted by industry respondents is estimated to be 734. The estimated number of applications for permit renewal is based upon data collected for the 2005 evaluation year and represents an increase from our previous request.

The respondents under section 773.7 are State regulatory authorities. We estimate of the total 3,038 Federal and State applications for new permits, 2,964 will be applications for State permits (316 applications for new permits + 1929 applications for permit revisions + 719 applications for permit renewals). We estimate each administratively completeness review will require 8 hours. Therefore, we estimate the total information collection burden for State regulatory authorities under section 773.7(a) will be 23,712 hours (2,964 State applications for new permits, permit revisions, and permit renewals x 8 hours per review).

There is no information collection burden for the industry under section 773.7(a).

- b. Estimated Wage Cost to Respondents

The annual average salary used to estimate the wage cost to State respondents is \$45 per hour. We estimate annual cost to State regulatory authorities for section 773.7(a) is \$1,067,040 (23,712 hours x \$45 per hour). The average cost of each response is \$360 (\$1,067,040 / 2,964 responses, rounded).

13. Total Annual Non-Wage Cost Burden to Respondents

- a. Annual Capital and Start-up Costs

The information collection requirements of section 773.7(a) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operations or maintenance costs associated with compliance with the information collection requirements for this section.

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.7(a) in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 773.7(a) in one State per year. OSM estimates each review will require 8 hours. This estimate of time is unchanged from our previous request. The annual average salary used to estimate the wage costs for the Federal government is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.7(a) will be \$360 (1 oversight review x 8 hours x \$45 per hour).

Federal Programs. We estimated 74 applications for new permits, permit revisions, and permit renewals will be submitted where OSM is the regulatory authority. We estimate the administrative completeness review will require 8 hours under Federal programs.

At an average salary of \$45 per hour, the estimated annual wage cost to the Federal government where OSM is the regulatory authority will be \$26,640 (74 applications x 8 hours per application x \$45 per hour).

Therefore, the cost to the Federal Government under section 773.7(a) is estimated to be \$27,000 (360 for oversight + \$26,640 for Federal programs).

15. The estimated burden hours for respondents is shown below. There are no currently approved burden hours for section 773.7(a), having been omitted from our previous requests for information collection approval.

0 hours currently approved  
+ 23,712 hours due to a prior omission  
23,712 hours requested on OMB 83-I

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

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

See Identical Responses to Statements.

**Supporting Statement for Recordkeeping Requirements  
Section 773.10(c)**

**A. Justification**

1. Section 773.10 requires regulatory authorities to review an applicant's permit history as part of a determination of permit eligibility. Under section 773.10(c), if a regulatory authority finds, in the course of its review, that an applicant or its operator do not have previous mining experience, the regulatory authority may conduct an additional review under section 774.12(f). The legal authority for this section is found in section 507 of SMCRA. The information collected under section 773.10(c) is required to ensure that an applicant or its operator possess the expertise to conduct surface coal mining and reclamation operations, or whether another person has the expertise, in compliance with the Act and its implementing regulations.
2. The respondents in section 773.10(c) are State regulatory authorities. Section 773.10(c) requires a State regulatory authority to make a finding as to whether an applicant for a surface coal mining permit and its proposed operator have previous mining experience. The information collection burden is incurred when a State regulatory authority determines that neither an applicant nor its operator has previous surface coal mining experience.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

The respondents under section 773.10(c) are State regulatory authorities. We estimate 10 percent of the 326 total applications (33, rounded), are applicants where neither the

applicant nor its operator has previous mining experience. We also estimate the determination that neither the applicant nor its operator has previous mining experience will require 5 hours for each of the 33 applications. Therefore, we estimate the total burden for section 773.10(c) to be 165 hours (33 applications x 5 hours per review).

Industry has no information collection burden under section 773.10(c).

b. Estimated Wage Cost to Respondents

The annual average salary used to estimate the wage cost to respondents is \$45 per hour. We estimate annual cost to State regulatory authorities for section 773.10(c) is \$7,425 (165 hours x \$45 per hour). The average cost of each response is \$225 (\$7,425 / 33 responses).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 773.10(c) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operations or maintenance costs associated with compliance with the information collection requirements for this section.

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.10(c) in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 773.10(c) in one State per year. OSM estimates each review will require 5 hours. This estimate of time is unchanged from our previous request. The annual average salary used to estimate the wage costs for the Federal government is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.10(c) will be \$225 (1 oversight review x 5 hours x \$45 per hour).

Federal Programs. Where OSM is the regulatory authority, we estimate we will identify 1 application (10 percent of 10 Federal applications) where neither the applicant nor its operator has any mining experience. We estimate the determination will require 5 hours under Federal programs. This estimate of time is unchanged from our previous request.

At an average salary of \$45 per hour, the estimated annual wage cost to the Federal government where OSM is the regulatory authority will be \$225 (1 application x 5 hours per application x \$45 per hour).

Therefore, the cost to the Federal Government under section 773.10(c) is estimated to be \$450 (\$225 for oversight + \$225 for Federal programs).

15. The estimated change in burden hours for respondents is shown below.

150 hours currently approved
+ <u>15</u> hours due to an estimated increase in use
165 hours requested on OMB 83-I

16. See Identical Responses to Statements.

17. See Identical Responses to Statements.

18. See Identical Responses to Statements.

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

See Identical Responses to Statements.

**Supporting Statement for Recordkeeping Requirements**  
**Section 773.12**

**A. Justification**

1. Section 773.12 provides for regulatory authority determination of permit eligibility for each applicant and operator identified in an application. The permit eligibility determination under section 773.12 is the culmination of the reviews of applicant, operator, ownership, control, permit history, and compliance information provided for under sections 773.9, 773.10, and 773.11 and any other information available to the regulatory authority. The legal authority for this section is found in section 510(c) of the Act. The permit eligibility determination under section 773.12 ensures that applicants and operators that are not in compliance with the Act are not granted the benefit of an unconditional surface coal mining permit. This section also provides for the use of AVS to assist regulatory authorities in determining if an applicant and its operator are eligible for a permit. AVS, due to its function as a repository of national application, permitting, violation, and other information, is considered among other information available to a regulatory authority. The information collected under section 773.12 is necessary to comply with section 510(c) of the Act.
2. The respondents in section 773.12 are State regulatory authorities. Under section 773.12, regulatory authorities are required to determine if an applicant and its operator are eligible for a surface coal mining permit. Regulatory authorities are required to make the determinations in section 773.12 following their review, under sections 773.9, 773.10, and 773.11, of the relevant information applicants provide in applications under sections 778.9, 778.11, 778.12, and 778.14. The information is reviewed by regulatory authorities. The information collection burden consists of the composite set of reviews of applicant, operator, ownership, control, previous permit history, and violation and other compliance information. In making a determination, regulatory authorities will generate reports from AVS and review other available information.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.

11. See Identical Responses to Statements.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Respondents under section 773.12 are State regulatory authorities. State regulatory authorities incur an information collection burden in section 773.12 where they are required to conduct dispositive reviews under sections 773.9, 773.10, and 773.11 that culminate in a determination under section 773.12. We estimate that of the total 316 applications for State permits, 282 applications will survive the administrative completeness review under section 773.7(a) and will not be withdrawn, rejected, or returned. This estimate is based upon data collected for the 2005 evaluation year. The estimate represents a more accurate estimate of the number of applications subject to regulatory authority review of permit eligibility under section 773.12 following the review for administrative completeness under section 773.7(a). State regulatory authorities will review the 282 applications for a State permit to make a determination of permit eligibility under section 773.12. We estimate each review will require 32 hours. The estimated 32 hours for the review of each application is unchanged from our previous request.

Therefore, the total estimated burden hours for State regulatory authorities under section 773.12 are 9,024 hours (282 applications x 32 hours per application).

There is no information collection burden for the industry under section 773.12.

b. Estimated Wage Cost to Respondents

The annual average salary used to estimate the wage cost to State respondents is \$45 per hour. Therefore, the estimated annual cost to respondents for section 773.12 is \$406,080 (9,024 hours x \$45 per hour). The average cost of each response is \$1,440 (\$406,080 / 282 responses).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 773.12 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operations or maintenance costs associated with compliance with the information collection requirements for this section.



14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.12 in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 773.12 in one State per year and that an oversight review will consist of 10 permit eligibility reviews. This estimate of time is unchanged from our previous request. OSM estimates the oversight review will require 16 hours. This estimate is unchanged from the previous request for information collection approval. The annual average salary used to estimate the wage cost for Federal oversight is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.12 will be \$720 (1 oversight review x 16 hours for the review x \$45 per hour).

Federal Programs. OSM estimates it will annually receive approximately 10 applications for new permits for lands and operations for which OSM is the regulatory authority. All 10 will survive administrative review and not be withdrawn, rejected, or returned and, as a result, OSM will review every application it receives for permit eligibility under section 773.12. This estimate is based upon data collected for the 2005 evaluation year. We estimate each review will require 32 hours. This estimate is unchanged from our previous request.

The estimated annual wage cost to the Federal government is \$45 per hour. We estimate the cost to OSM for its review under section 773.12 to be \$14,400 (10 applications x 32 hours per review x \$45 per hour).

Therefore, the cost to the Federal Government under section 773.12 is estimated to be \$15,120 (\$720 for oversight + \$14,400 for Federal programs).

15. The estimated change in burden hours for respondents is shown below. The estimated decrease is due to a more accurate estimate of the number of applications that will actually be subject to permit eligibility review under section 773.12.

$$\begin{array}{r} 9,312 \text{ hours currently approved} \\ - \underline{\quad 288 \text{ hours due to a change in use}} \\ 9,024 \text{ hours requested on OMB 83-I} \end{array}$$

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

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

See Identical Responses to Statements.

**Supporting Statement for Recordkeeping Requirements**  
**Section 773.14**

**A. Justification**

1. Section 773.14 govern whether a regulatory authority may determine if an applicant is eligible for a provisionally issued permit. A State regulatory authority may consider approval for a provisionally issued permit if an applicant is not eligible for a permit under section 773.12 due to an unabated or uncorrected violation. Regulatory authorities may grant a provisionally issued permit to an applicant who meets any one of the four criteria stipulated in section 773.14. The legal authority for this section is found in section 510(c) of the Act.
2. The respondents in section 773.14 are applicants for permits and State regulatory authorities. Applicants must demonstrate compliance, by means of a proof, with any one of four criteria to be considered for a provisionally issued permit. The criteria to establish a proof are: (1) the violation is being abated to the satisfaction of the regulatory authority with jurisdiction, (2) continuing compliance with the terms of an abatement plan or payment schedule approved by the regulatory authority with jurisdiction, (3) pursuing a good faith challenge of a pertinent ownership or control listing or finding, and (4) pursuing a good faith administrative or judicial appeal contesting the validity of the relevant violation. State regulatory authority respondents must evaluate the proof of compliance submitted by an applicant to determine if the applicant is eligible for a provisionally issued permit. If a regulatory authority finds the proof inadequate, no permit of any kind will be issued.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate 32 of the estimated 326 total applications will result in an applicant ineligible for a permit under section 773.12, and therefore, considered for a provisionally issued permit under section 773.14. The total number of applicants is based on data collected for the 2005 evaluation year. Applicants of the 32 applications must submit one of the four proofs of compliance to be considered for a provisionally issued permit.

The following table shows the estimated burden hours for information collection. Data in the table are discussed below.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State Hours per Response	Total Hours
773.14(b)	0	32	0	1	32
773.14(b)(1), (2), (3) and (4)	32	0	1	0	32
TOTALS					64

We estimate each applicant will require 1 hour to prepare a proof. The estimated time to prepare a proof is unchanged from our previous request. The total burden for industry respondents under section 773.14 is 32 hours (32 required proofs x 1 hour to prepare a proof).

We estimate State regulatory authorities will require 1 hour to review each proof for the 32 applications in order to determine if an otherwise ineligible applicant should be considered for a provisionally issued permit. The total burden for State governments under section 773.14 is 32 hours (32 proofs x 1 hour to review each proof).

Therefore, the total estimated information collection burden hours for all respondents under section 773.14(b) is 64 hours [(32 proofs x 1 hour per application to prepare a proof) + (32 proofs x 1 hour per application to review each proof)].

b. Estimated Wage Cost to Respondents

The annual average salary used to estimate the wage costs for industry respondents is \$60 per hour. The estimated annual cost to industry respondents under section 773.14 is \$3,360 (32 hours x 1 hour x \$60 per hour). The average cost of each industry response is \$105 (\$3,360 / 32 hours).

The annual average salary used to estimate the wage cost to State respondents is \$45 per hour. The estimated annual cost to State respondents under section 773.14 is \$1,440 (32 hours x 1 hour x \$45 per hour). The average cost of each State response is \$45 (\$1,440 / 32 hours).

The estimated annual cost to all respondents under section 773.14 is \$4,800 [(32 hours x 1 hour x \$60 per hour) + (32 reviews x 1 hour x \$45 per hour)].

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 773.14(b) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements for this section.

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.14(b) in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 773.14(b) in one State per year and that the review will consist of 10 percent (rounded up to 2) of proofs for provisionally issued permits. The estimated number of proofs subject to oversight is unchanged from our previous request. OSM estimates the oversight review will require 1 hour. This estimate is of time unchanged from our previous request for information collection approval for section 773.14(b).

The annual average salary used to estimate the wage cost for the Federal government is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.14(b) will be \$45 (1 hour per proof x \$45 per hour).

Federal Programs. OSM estimates that of the estimated 10 applicants for Federal permits, 1 applicant will be required to submit a proof under section 773.14(b) in order to be considered for a provisionally issued permit. We estimate OSM will require 1 hour to review the proof. The annual average salary used to estimate the wage cost for the Federal government is \$45 per hour. Therefore, OSM estimates the cost under Federal lands and programs to be \$45 (1 hour to review a proof x \$45 per hour).

Therefore, the total cost to the Federal Government under section 773.14(b) is estimated to be \$90 (\$45 for oversight + \$45 for Federal programs).

15. The estimated change in burden hours for respondents is shown below.

32 hours currently approved  
+ 32 hours due to an increase in use  
64 hours requested on OMB 83-I

16. See Identical Responses to Statements.

17. See Identical Responses to Statements.

18. See Identical Responses to Statements.

**C. Collection of Information Employing Statistical Methods**

See Identical Responses to Statements.

**Supporting Statement for Recordkeeping Requirements  
Section 773.19**

**A. Justification**

1. Section 773.19 governs regulatory authority issuance of a permit. When a permit is issued, regulatory authorities are required to issue written notification of the permitting decision to the applicant, commenters, and local, State, and Federal agencies with an interest in the permitting decision within 10 days of the decision. This requirement ensures all appropriate regulatory agencies and other interested parties are kept informed of those applicants who are issued permits to mine coal. Section 773.19 also requires a permittee to submit a written request for an extension of time to commence mining operations if such an extension becomes necessary. Such written requests are reviewed and decided upon by the regulatory authority. The legal authorities for section 773.19 are found in sections 506(c), 510(a), and 513(b) of SMCRA.
2. The respondents in section 773.19 are industry respondents (permittees) and State regulatory authorities. After permit approval, permittees must use section 773.19 to request an extension to commence mining operations if such an extension becomes necessary. State regulatory authorities are required under section 773.19 to notify local, State, and Federal agencies, with a regulatory interest in surface coal mining operations, as to when and to whom a permit is issued, and to notify the applicant, each person who files comments or objections on an application, and each party to any informal conference that is held on an application. Under section 773.19, State regulatory authorities also are authorized to grant a reasonable extension of time for a permittee to commence mining operations.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate there will be a total of 326 applications for permits annually received by regulatory authorities. This estimate is based upon data collected for the 2005 evaluation year and represents an estimated increase over our previous request.

The following table shows the estimated burden hours for information collection. Data in the table are discussed below.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State Hours per Response	Total Hours
773.19(b) RA notifications	0	282	0	.5	141
773.19(e)(1) Requests for extensions	82	0	6	0	492
773.19(e)(2) RA review of extension requests	0	82	0	2	164
TOTALS					797

Of the 326 total applications, 316 applications will be for State permits. Of these, 282 applications will survive the administrative completeness review and will not be withdrawn, rejected, or returned. These 282 applications are the number of applications for which permits will be issued and for which State regulatory authorities must provide notification under section 773.19(b). We estimate the notifications will require a combined one-half hour for each application. This estimate of the hourly burden is unchanged from our previous request. Therefore the information collection burden for State regulatory authority is 141 hours (282 notifications x .5 hour per notification).

We estimate that 82 State applicants, now permittees, will request an extension to commence surface coal operations under section 773.19(e)(1). We estimate that each permittee respondent will require 6 hours to prepare a request for an extension. This estimate is unchanged from our previous request. Therefore, we estimate the information burden for permittees under section 773.19(e)(1) will be 492 hours (82 requests for extension x 6 hours per request).

We estimate that 10 State regulatory authorities will require 2 hours each to review the estimated 82 requests for an extension to commence mining and render a decision under section 773.19(e)(2). This hourly burden estimate is unchanged from our previous request. Therefore, we estimate the review burden for State regulatory authorities under section 773.19(e)(2) to be 164 hours (82 requests for extension x 2 hours per review).

Therefore, we estimate the total burden hours for all respondents under section 773.19 to be 797 hours (141 hours for all State regulatory authority notifications) + (492 hours for permittee requests for extension) + (164 hours for State regulatory authority review of the requests for an extension).

b. Estimated Wage Cost to Respondents

The annual average salary used to estimate the wage cost to industry respondents is \$60 per hour. Therefore, the cost to industry respondents to request an extension to commence mining is \$30,600 (85 requests for an extension x 6 hour for each request x \$60 per hour). The average cost of each response is \$360 (\$30,600 / 85 requests).

The annual average salary used to estimate the wage cost to State regulatory authorities is \$45 per hour. Therefore, the estimated annual cost to State regulatory authorities under section 773.19 is \$13,725 (282 notifications x .5 hour per notification x \$45 per hour) + (82 reviews of extension requests x 2 hours per review x \$45 per hour). The average cost of each response is \$38 (rounded) (\$13,725 / 282 notifications).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of 30 CFR 773.19 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operations or maintenance costs associated with compliance with the information collection requirements for this section.

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 773.19 in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 773.19 in one State per year and that OSM will review notification for one permit. OSM estimates the oversight review will require 2 hours. These estimates are unchanged from our previous request. The annual average salary used to estimate the wage cost for Federal oversight is \$45 per hour. Therefore, OSM estimates the cost to the Federal government for oversight of section 773.19(b) will be \$90 (1 review x 2 hours x \$45 per hour).

Federal Programs. OSM estimates it will annually receive 10 applications for new permits where OSM is the regulatory authority. This estimate is based upon data collected for the 2005 evaluation year.



We estimate that where OSM is the regulatory authority, it will provide notification under section 773.19(b) on 10 applications and each combined notification will require .5 hour. We also estimate where OSM is the regulatory authority, it will review 3 requests for an extension to commence mining operations under section 773.19(e)(2) and the review will require 2 hours to perform. The hourly estimates are unchanged from our previous request.

The annual average salary used to estimate the wage costs to the Federal government is \$45. We estimate the cost to OSM to provide notifications under section 773.19(b) to be \$225 (10 notifications x .5 hour per notification x \$45 per hour). We estimate the cost to OSM to review requests for extensions to commence mining under section 773.19(e)(2) to be \$270 (3 reviews of an extension request x 2 hours x \$45 per hour). The total cost to the Federal program under section 773.19 is estimated to be \$495.

Therefore, the total cost to the Federal government under section 773.19 is estimated to be \$585 (\$90 for oversight + \$495 for Federal programs).

The estimated cost to the Federal government under section 773.19(e)(2) represents a correction from the previous request for information collection approval. The previous request inadvertently indicated that all Federal applicants, now permittees, would request an extension to commence mining operations.

15. This information collection request will increase the approved burden by 46 hours under section 773.19. We estimate the burden hours for section 773.19(b) will slightly decrease. We estimate the burden hours for section 773.19(e) will increase due to an increase in use. The collective impact on the currently approved burden hours under section 773.19 is shown below.

746 hours currently approved
+ 56 hours: Adjustment due to an estimated increase in use (773.19(b))
- 5 hours: Adjustment due to an estimated decrease in use (773.19(e))
797 hours requested on OMB 83-I

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

**D. Collection of Information Employing Statistical Methods**

See Identical Responses to Statements.