

**Supporting Statements for Reporting and Recordkeeping  
Requirements for 30 CFR Part 784: Underground Mining Permit Applications—  
Minimum Requirements for Reclamation and Operation Plan**

**OMB Control Number 1029-0039**

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**

We, the Office of Surface Mining Reclamation and Enforcement (OSM), are submitting this information collection clearance package to request authority to collect information and require retention of records under 30 CFR Part 784: Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. Part 784 specifies what an applicant for a permit for an underground coal mine must include in the reclamation plan component of the permit application. OMB previously renewed and approved the collections of information and recordkeeping requirements for this part under control number 1029-0039. We are making this new request because a proposed rule that we plan to publish would result in programmatic changes to the currently approved burden for this part.

The proposed rule would remove the requirement that the regulatory authority make certain findings before approving waivers from the prohibition on disturbances within 100 feet of an intermittent or perennial stream in existing 30 CFR 816.57(a) and 817.57(a). Instead, the proposed rule would establish new permit application requirements in 30 CFR 780.28 and 784.28 that would apply to all proposed disturbances in or within 100 feet of any waters of the United States. Proposed sections 780.28 and 784.28 also would require that the regulatory authority make certain findings in all cases of proposed disturbance of the 100-foot buffer.

In addition, the proposed rule would revise 30 CFR 780.35(a) (surface mines) and 784.19(a) (underground mines) to require that the permit applicant—

- Demonstrate that the operation has been designed to minimize the volume of excess spoil to the extent possible, taking into consideration applicable regulations concerning approximate original contour restoration, safety, stability, and environmental protection and the needs of the proposed postmining land use.
- Demonstrate that the designed maximum cumulative volume of all proposed excess spoil fills within the permit area is no larger than the capacity needed to accommodate the anticipated cumulative volume of excess spoil that would be generated by the proposed operation.
- Develop a reasonable range of alternative excess spoil disposal plans in which the size, numbers, and locations of the fills vary; submit an analysis of the environmental impacts of those alternatives; and either select the alternative with the least overall adverse environmental impact or demonstrate to the satisfaction of the regulatory authority why implementation of that alternative is not possible.
- Include a description of the steps to be taken to minimize the adverse environmental impacts that may arise during and after the construction of fills under the selected alternative.

Finally, the proposed rule would revise 30 CFR 780.25 (surface mines) and 784.16 (underground mines) to require that permit applicants for operations that would include slurry impoundments or coal refuse piles identify a reasonable range of alternative coal mine waste disposal methods and alternative locations for any disposal structures; analyze the viability and environmental impacts of each alternative; and either select the alternative with the least overall adverse environmental impact or demonstrate to the satisfaction of the regulatory authority why implementation of that alternative is not possible. The proposed rule also would require that the applicant describe the steps to be taken to minimize adverse environmental impacts that may arise during and after construction of the selected alternative.

Each section of 30 CFR Part 784 is discussed separately. Because the responses to some items in the instructions for the supporting statement are identical for each section; those responses appear on pages 10-12 of this document. Except as otherwise noted in the supporting statements for individual sections, the respondents and potential respondents consist of 62 underground coal mining permit applicants, together with 24 state regulatory authorities.

The tables below summarize the hours for which clearance is requested for Part 784, the total burden hours for each section currently approved by OMB, and the changes we are now requesting that would result from both adjustments and the programmatic changes in the proposed rule. We are requesting 21,761 burden hours, an increase of 3,606 hours from the currently approved level of 17,185 hours. The increase is a result of reestimates in the number of responses, and in individual respondent burden. The programmatic changes to sections 784.16, 784.17, 784.19, and 784.28 result in a total of 2,045 additional burden hours.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PART 784

Section	Industry Responses	Industry Hours per Response	State Responses	State Hours per Response	Total Hours Requested	Currently Approved Burden Hours	Program Changes	Adjustment	Changes to Burden Hours
784.11	62	4	61	3	431	347	0	84	84
.12	25	6	24	2.25	204	198	0	6	6
.13	62	53	61	4.5	3,561	3,101	0	460	460
.14	62	40	61	8.75	3,014	3,063	0	-49	-49
.15	62	6	61	1	433	398	0	35	35
.16	62	16	61	10	1,602	814	801	-13	788
.17	1	6	1	5	11	99	-95	7	-88
.18	28	8	27	2	278	278	0	0	0
.19	47	9	46	12	975	583	369	23	392
.20	62	12	61	4	988	1,004	0	-16	-16
.21	62	4	61	8	736	245	0	491	491
.22	62	24	61	6	1,854	1,404	0	450	450
.23	62	40	61	7.5	2,938	2,954	0	-16	-16
.24	62	20	61	4.5	1,515	1,392	0	123	123
.25	34	6	33	4	336	346	0	-10	-10
.28	49	10	48	10	970	0	970	0	0
.29	62	16	61	5	1,297	331	0	966	966
.30	62	8	61	2	618	628	0	-10	-10
TOTALS					21,761	17,185	2,045	2,531	3,606

SUMMARY OF NON-WAGE COSTS FOR 30 CFR PART 784

Section	Total Non-Wage Costs (\$)	Total Federal Costs (\$)
784.11	6,200	2,205
784.12	2,500	1,215
784.13	31,000	3,150
784.14	155,000	3,780
784.15	1,240	630
784.16	10,416	3,150
784.17	550	360
784.18	1,400	360
784.19	23,500	2,790
784.20	31,000	1,260
784.21	12,400	720
784.22	310,000	810
784.23	6,200	4,680
784.24	3,100	1,845
784.25	3,400	990
784.28	4,900	2,700
784.29	3,100	1,305
784.30	6,200	630
TOTAL S	612,106	32,580



### List of Items with Identical Responses

3. At the discretion of the regulatory authority, persons may submit responses electronically to the extent that both parties have the requisite technical capability. Further, permit applicants have been increasingly using electronic means to prepare their permit applications using word processing, AutoCAD and GPS software applications. Several states, such as Kentucky and Virginia, receive 90% of their permit applications electronically. Other states are not yet prepared to receive applications electronically because of other priorities or the limited size of their program. We estimate that on a national basis, 33% of all permit applications are submitted by electronic means. We hope that this figure will improve over time as more states and permit applicants realize the time and cost savings associated with electronic submissions.
4. The information requested under 30 CFR Part 784 is collected infrequently (generally only once, at the time that a person applies for a permit). Therefore, duplication is minimal to nonexistent. When submitting an application for a permit revision, permittees may cross-reference relevant materials previously submitted in a permit application.
5. There are no special provisions for small organizations. While small operators may be eligible for financial assistance under the Small Operators Assistance Program (SOAP), Congress has not appropriated money for that program in recent years.
6. A reduction in the frequency of collection is not possible because the information requested under 30 CFR Part 784 is collected only once for each site.
7. No collection of information under 30 CFR Part 784 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. To determine the burden that would be placed on respondents by the proposed revisions to 30 CFR Part 784, OSM relied on information supplied by our Knoxville Field Office, which processes permit applications for lands for which OSM is the regulatory authority in the Appalachian Region, and contacted the following state regulatory authorities and a mining consulting firm that prepares mining permit applications. We supplied a concise description of the proposed revisions along with a request for input on the associated information collection requirements and any other comments they wished to make regarding the clarity of the proposed rules and potential burdens.

Jim Pierce, Lead Permitting Engineer  
West Virginia Department of Environmental Protection  
Division of Mining and Reclamation  
1101 George Kostas Drive  
Logan, WV 25601  
Phone: 304-792-7250  
Email: [jpierce@wvdep.org](mailto:jpierce@wvdep.org)

Mark Carew  
Kentucky Department of Natural Resources  
Division of Mine Permitting  
#2 Hudson Hollow Complex  
Frankfort, KY 40601  
Phone: (502) 564-2320  
Email: Mark.Carew@ky.gov.

Jim Canterbury  
Summit Engineering Inc.  
400 Allen Drive, Suite 100  
Charleston, WV 25302  
Phone: 304-342-1342  
Email: jcanterbury@summit-engr.com

The persons listed above stated that many of the new requirements would not add appreciably to permittee or state regulatory authority workloads because similar requirements or reviews already exist under the programs implementing sections 401 and 404 of the Clean Water Act. They also noted that some of the new requirements were already being implemented as a matter of policy in Kentucky and West Virginia.

Mr. Carew stated that, with respect to proposed excess spoil fills and coal mine waste disposal facilities, it was not clear whether economic factors may be considered in determining whether an alternative is possible. We have revised the rule and preamble to clarify that the determination must be made on the basis of cost, technology, and logistics, meaning that economic factors are an integral element of the determination.

Mr. Carew expressed concern that one of the findings required for a variance from the prohibition on disturbance of the buffer may be difficult or impossible to meet because any disturbance will have some impact compared to no impact. The rule in question requires the regulatory authority to find that measures proposed by the applicant in lieu of maintaining the 100-foot buffer would be no less effective than that buffer in meeting the requirements of the regulatory program. We have retained that finding in the proposed rule, but may reevaluate it depending upon the comments that we receive.

Mr. Carew noted that the revised finding for stream diversions may mean that engineers will have to certify compliance with vague requirements (protection of fish, wildlife, and related environmental values) outside their area of expertise. We have revised the rule to limit the scope of the certification to the design and construction requirements in the regulations and any design criteria established by the regulatory authority. The certification need not duplicate the finding required of the regulatory authority.

9. Not applicable. OSM and state regulatory authorities provide no payments or gifts to respondents except for grants to states authorized by law.

10. The permit applicant has the right to request confidentiality for certain information, for example, analyses of the chemical and physical properties of the coal to be mined. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential if requested by the permit applicant and approved by the regulatory authority. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archeological resources on public lands and Indian lands be kept confidential.
11. Not applicable. Sensitive questions are not asked.
15. See individual responses for each rule section for explanation for the burden hour adjustments.
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 collected.
18. Not applicable. There are no exceptions to the certification statement in Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not appropriate for collection of the information required under 30 CFR Part 784.

***Supporting Statement for Reporting Requirements of  
Section 784.11***

A. Justification

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.11 reflect this requirement. The underlying statutory provisions upon which the rule is based include section 507(b)(7), which requires a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used in the mining operation, and section 508(a)(5), which requires submission of the engineering techniques to be used in mining and reclamation and a description of the major equipment to be used.
2. The information required by this section aids the regulatory authority in determining whether the applicant can meet the performance standards.
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. Burden Hour Estimates for Respondents

Based on data from the 2006 evaluation year, we and the 24 state regulatory authorities annually receive approximately 62 new permit applications for underground mines (61 by states and one by us), all of which must include the information required by 30 CFR 784.11. We estimate that each applicant requires 4 hours to collect this information.

Therefore, the annual burden to permit applicants for compliance with this section totals **248 hours** (62 applications x 4 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **183 hours** (61 permit applications received by state regulatory authorities x 3 hours per application).

Therefore, the total annual burden for all respondents is **431 hours** (248 hours for permit applicants + 183 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$240 (4 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$14,880** (\$240 per applicant x 62 applicants). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$8,235** (\$45 per hour x 3 hours per application x 61 applications per year).

The total labor costs for all respondents are **\$23,115** (\$14,880 for permit applicants + \$8,235 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and includes permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analysis, and postage. This cost is \$100 per application, or **\$6,200** (\$100 x 62 applications) for all applicants.

b. Operation, Maintenance and Services

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$1,890** (6 permit applications x 7 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 7 hours to review that application to ensure compliance

with section 784.11. The cost of that review is **\$315** (1 application x 7 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,205** (\$1,890 oversight costs + \$315 permitting costs).

24456. There are currently 347 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making an adjustment that will increase the burden by 84 hours due to an estimated increase in respondents. The burden will change as follows:

347 hours currently approved
+ 84 hours due to an adjustment
431 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 Reporting Requirements of  
Section 784.12***

A. Justification.

1. Section 507(b)(13) of SMCRA requires the permit applicant to provide a description of each existing structure proposed to be used in the mining or reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA, including those of section 507(b)(13), are applicable to surface operations and surface impacts of underground mines.
2. The regulatory authority uses the information collected under this section to determine if existing structures can comply with the performance standards in Part 817 of our regulations, and, if not, what modifications are needed.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us). Based on contacts with state agencies and permit applicants, we estimate that approximately 40% (25) of those permit applications propose to use existing structures and therefore must supply this information, which requires an estimated 6 hours to prepare. Therefore, the total annual burden on permit applicants for compliance with this section is **150 hours** (25 permit applications x 6 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **54 hours** (24 permit applications received by state regulatory authorities x 2.25 hours per application).

Therefore, the total annual burden for all respondents is **204 hours** (150 hours for permit applicants + 54 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$360 (6 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$9,000** (\$360 per applicant x 25 applicants). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$2,430** (\$45 per hour x 2.25 hours per application x 24 applications per year).

The total labor costs for all respondents are **\$11,430** (\$9,000 for permit applicants + \$2,430 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and include permit applications costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analyzes, and postage. This cost is \$100 per respondent. The total costs for all permit applicants would be **\$2,500** (25 applications x \$100 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (2) of the 24 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$810** (2 permit applications x 9 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 9 hours to review that application to ensure compliance with section 784.12. The cost of that review is **\$405** (1 application x 9 hours per application x \$45 per hour).



The total annual cost to the Federal government for this section is **\$1,215** (\$810 oversight costs + \$405 permitting costs).

15. There are currently 198 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making a slight adjustment in the time required for regulatory review by 15 minutes. The adjustment will decrease the burden by 532 hours. The burden will change as follows:

$$\begin{array}{r} 198 \text{ hours currently approved} \\ + \quad \underline{\quad 6 \text{ hours due to an adjustment}} \\ \hline 204 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.13***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. Sections 507(d) and 508(a) of SMCRA requires that each permit application include a reclamation plan containing certain information. The regulations at 30 CFR 784.13 implement this requirement for underground mines.
2. The regulatory authority uses the information collected under this section to determine if a permit application meets the requirements of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 53 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **3,286 hours** (62 applications x 53 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **275 hours** (61 permit applications received by state regulatory authorities x 4.5 hours per application).

Therefore, the total annual burden for all respondents is **3,561 hours** (3,286 hours for permit applicants + 275 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$3,180 (53 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$197,160** (\$3,180 per applicant x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$12,353** (\$45 per hour x 4.5 hours per application x 61 applications per year).

The total labor costs for all respondents are **\$209,513** (\$197,160 for permit applicants + \$12,353 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and include permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analyzes, and postage. This cost is \$500 per respondent. The total costs for all applicants would be **\$31,000** (62 applications x \$500 per application).

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,700** (6 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 10 hours to review that application to ensure compliance with section 784.13. The cost of that review is **\$450** (1 application x 10 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$3,150** (\$2,700 oversight costs + \$450 permitting costs).

15. There are currently 3,101 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making an adjustment in the number of applications which are reviewed by state regulatory authorities. The adjustment will increase the burden by 460 hours. The burden will change as follows:

$$\begin{array}{r} 3,101 \text{ hours currently approved} \\ + \quad \underline{460 \text{ hours due to an adjustment}} \\ \hline 3,561 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.14***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.14 reflect this requirement. Section 507(b)(11) of SMCRA requires that the application include a determination of the probably hydrologic consequences of the proposed operations. Section 508(a)(13) of SMCRA requires that the application include a detailed description of the measures to be taken to protect the quality and quantity of surface and ground water systems and the rights of water users. Section 517(b)(2) of SMCRA requires that the permittee monitor both surface and ground water systems. Collection and analysis of the baseline hydrologic information required by 30 CFR 784.14 is an integral element of meeting those statutory requirements and determining the effects of mining and reclamation. Collection of this information is necessary to predict whether mining may have adverse impacts on the hydrologic balance and, if so, to develop plans for remedial and restorative measures.
2. The permit applicant uses the information collected under 30 CFR 784.14 to develop the determination of the probable hydrologic consequences of the proposed operation, as required by the statute, and to provide a baseline for the monitoring program also required by the statute. The regulatory authority uses the information to assist in evaluating the probable impacts of the operation on surface and ground water systems and in preparing the cumulative hydrologic impact assessment, as well as determining whether the operation has been designed to meet the hydrologic protection requirements of the statute.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 40 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **2,480 hours** (62 applications x 40 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **534 hours** (61 permit applications received by state regulatory authorities x 8.75 hours per application).

Therefore, the total annual burden for all respondents is **3,014 hours** (2,480 hours for permit applicants + 534 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant is \$2,400 (40 hours per permit application x \$60 per hour) and the total labor cost to all applicants is **\$148,800** (\$2,400 per applicant x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$24,019** (\$45 per hour x 8.75 hours per application x 61 applications per year).

The total labor costs for all respondents are **\$172,819** (\$148,800 for permit applicants + \$24,019 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs.

Non-labor costs for each application are \$2,500, which translates to a total cost of **\$155,000** for all permit applicants (62 applications x \$2,500 per application). The non-labor costs were provided by the engineering companies and include permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analysis, and postage.

b. Operation, Maintenance and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$3,240** (6 permit applications x 12 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 12 hours to review that application to ensure compliance with section 784.14. The cost of that review is **\$540** (1 application x 12 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$3,780** (\$3,240 in oversight costs + \$540 in permitting costs).

15. There are currently 3,063 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making a slight adjustment in the number of applications prepared and reviewed by the state regulatory authorities. The adjustment will decrease the burden by 49. The burden will change as follows:

3,063 hours currently approved
- <u>49</u> hours due to an adjustment
3,014 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 Reporting Requirements of  
Section 784.15***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.15 reflect this requirement. Section 784.15 requires permit applicants to provide a description of the current land use, its productivity, the proposed postmining land use, and documentation regarding comments received from the landowners and state and local governments concerning the postmining land use. Section 784.15 implements subsections (a)(2)(A), (B), and (C) and (a)(3) and (4) of section 508 of SMCRA with respect to underground mines.
2. The regulatory authority uses the information required in section 784.15 in making decisions on proposed postmining land uses and provides a baseline for determination of revegetation success. Failure to submit this information would hamper assessment of reclamation success.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each



applicant requires 6 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **372 hours** (62 applications x 6 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **61 hours** (61 permit applications received by state regulatory authorities x 1 hour per application).

Therefore, the total annual burden for all respondents is **433 hours** (372 hours for permit applicants + 61 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$360 (6 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$22,320** (\$360 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$2,745** (\$45 per hour x 1 hour per application x 61 applications per year).

Total annual labor costs for all respondents are **\$25,065** (\$22,320 for permit applicants + \$2,745 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$20, which translates to a total cost of **\$1,240** for all applicants (62 applications x \$20 per application).

b. Operation, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$540** (6 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 2 hours to review that application to ensure compliance with section 784.15. The cost of that review is **\$90** (1 application x 2 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$630** (\$540 oversight costs + \$90 permitting costs).

15. There are currently 398 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are increasing by 6 the number of applications submitted and reviewed by the state regulatory authorities. The adjustment will increase the burden by 35 hours. The burden will change as follows:

$$\begin{array}{r} 398 \text{ hours currently approved} \\ + \quad 35 \text{ hours due to an adjustment} \\ \hline 433 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Sections 784.16***

A. Justification.

1. This section contains design and other permit application requirements for siltation structures, impoundments, and refuse piles. Sections 507(b)(14) and 516(b)(4) and (5) of SMCRA provide authority for these requirements. Section 516(d) of SMCRA states that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.16 reflect this requirement.

We are proposing to revise the rules to include new requirements relating to refuse piles and coal mine waste impoundments. The purpose of the new rules would be to ensure that the applicant selects the alternative with the least overall adverse environmental impact. The authority for the proposed rules arises from paragraphs (b)(9)(B) and (b)(11) of section 516 of SMCRA, which require that coal mining operations use the best technology currently available to the extent possible to prevent additional contributions of suspended solids to streamflow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.

2. Both permit applicants and SMCRA regulatory authorities use the information required by this rule to ensure that siltation structures, impoundments, and refuse piles are designed to protect safety, property, and the environment.
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. Burden Hour Estimates for Respondents.

The persons listed in item 8 indicate that the proposed new requirements for identification of a reasonable range of alternatives for coal mine waste disposal and analysis of the environmental impact of those alternatives would not add to the burden for the permit applicant because that information is already being collected and provided under a different law—sections 401 and 404 of the Clean Water Act. However, averaged together, the state regulatory authority respondents in item 8 estimate that the new requirements would add 4.5 hours to the review burden of the regulatory authority for each application for a refuse pile or coal mine waste impoundment.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. Prior consultations with industry representatives indicate that each applicant will need 8 hours to prepare the information required by 30 CFR 784.16, exclusive of the new information required by the proposed rule. As previously noted, applicants are already preparing and submitting that information under a different law, so we are not including any burden hours for the proposed new requirements.

However, we are moving the burden for preparation and certification of designs for refuse piles and impoundments from 30 CFR 817.81 to this section because that burden is more properly assessed as a permitting burden rather than a performance standard burden. Based on consultation with industry personnel, that burden averages 8 hours per design certification, which would be in addition to the 8 hours already required for compliance with the other design requirements of 30 CFR 784.16 pertaining to impoundments and siltation structures. Based on our experience, we estimate that each application for an underground mine permit will include one refuse pile because we now classify underground development waste as coal mine waste (refuse). Therefore, the total annual burden to permit applicants for compliance with this section would be **992 hours** (62 applications x 16 hours per application).

Based in information supplied by the individuals in item 8, the burden for state regulatory authorities to review the information submitted under this section would increase by 4.5 hours per application if the proposed rule becomes final. Therefore, we estimate that the total annual burden for state regulatory authorities to review information submitted under 30 CFR 784.16 in its entirety if the proposed rule becomes final would be **610 hours** [61 permit applications received by state regulatory authorities x 10 hours per application (rounded)].

Therefore, the total annual burden for all respondents would be **1,602 hours** (992 hours for permit applicants + 610 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents.

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$960 (16 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$59,520** (\$960 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review those applications would total **\$27,450** (\$45 per hour x 10 hours per application x 61 applications per year).

Total annual labor costs for all respondents would be **\$86,970** (\$59,520 for permit applicants + \$27,450 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents:

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$168, which translates to a total cost of **\$10,416** for all applicants (62 applications x \$168 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,700** (6 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 10 hours to review that application to ensure compliance with section 784.16. The cost of that review is **\$450** (1 application x 10 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$3,150** (\$2,700 oversight costs + \$450 permitting costs).

15. There are currently 814 hours approved for this section. Because of a programmatic change in the proposed rule and a transfer of burden from 30 CFR 817.81, and a slight reduction in the number of respondents, we anticipate that the burden will increase by 788 hours. Therefore the burden would change as shown below:

- 814 hours currently approved
- 13 hours due to a change in use

+ 801 hours due to a program change  
1,602 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 Reporting Requirements of  
Section 784.17***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.17 reflect this requirement. They require the permit applicant to describe measures that will be taken as part of the proposed surface coal mining operations to prevent or minimize adverse impacts to publicly owned parks and places listed on the National Register of Historic Places, as required by section 522(e)(3) of SMCRA.
2. This information will enable the regulatory authority to determine whether the operation has been designed to meet the requirements of section 522(e)(3) of SMCRA, which prohibits surface coal mining operations that will have adverse effects on publicly owned parks or places listed on the National Register of Historic Places unless the agency with jurisdiction over the park or place grants joint approval or the applicant has valid existing rights.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us). Based on previous studies, we estimate that, on an annual basis, no more than one

application for an underground mine will include the information required by this section. We estimate that preparing that information will require 6 hours. Therefore, the annual burden to permit applicants for compliance with this section totals **6 hours** (1 application x 6 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **5 hours** (1 permit application x 5 hours per application).

Therefore, the total annual burden for all respondents is **11 hours** (6 hours for permit applicants + 5 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$360 (6 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$360** (\$360 per application x 1 application per year). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$225** (\$45 per hour x 5 hours per application x 1 applications per year).

Total annual labor costs for all respondents are **\$585** (\$360 for permit applicants + \$225 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$550, which translates to a total non-labor cost of **\$550** for the one permit applicant anticipated each year.

b. Operation, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government.

If, as part of our oversight responsibilities, we review the one permit application containing this information that we estimate will be approved by state regulatory authorities each year, the cost of that review would be **\$135** (1 permit application x 3 hours to review each application x \$45 per hour)

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Should we receive an application that includes this information, we estimate that 5 hours will be required to review that application to ensure compliance with section 784.17. However, we have not received and do not anticipate receiving any such applications. Using one application per



year as a placeholder, the cost of reviewing that application would be **\$225** (1 application x 5 hours per application x \$45 per hour).

Thus, the total annual cost to the Federal government for this section is **\$360** (\$135 oversight costs + \$225 permitting costs).

15. There are currently 99 hours approved for this section. We anticipate no change as a result of the proposed rule because the proposed rule does not revise this section. However, we are making a correction because of a more careful reading of the regulations which limits the number of respondents annually from 22 to 1, and reestimates pre-respondent burden from 4 hours to 6 hours for permit applicants and from .5 hours to 5 hours for state regulatory review time. These adjustments will decrease the burden by 88 hours. The burden will change as follows:

$$\begin{array}{r} 99 \text{ hours currently approved} \\ + 7 \text{ hours due to an adjustment} \\ - 95 \text{ hours due to a correction (program change)} \\ \hline 11 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.18***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.18, which require that the permit application include a description of the measures to be taken to protect the interests of the public and affected landowners when mining is to take place within 100 feet of a public road or when a public road is to be relocated, reflect this requirement. The regulations implement, in part, section 522(e)(5) of the Act, which requires that the regulatory authority ensure the protection of the public and affected landowners in these situations.
2. The regulatory authority uses the information collected under this section to fulfill its responsibilities to protect the public and affected landowners under section 522(e)(5) of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us). Based on prior studies, we estimate that the requirements of this section apply to 45% (28) of those applications. Based on discussions with industry representatives, we also

estimate that it requires 8 hours to complete this portion of the application. Therefore, the annual burden to permit applicants for compliance with this section totals **224 hours** (28 applications x 8 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **54 hours** (27 permit applications containing this information received by state regulatory authorities x 2 hours per application).

Therefore, the total annual burden for all respondents is **278 hours** (224 hours for permit applicants + 54 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$480 (8 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$13,440** (\$480 per application x 28 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$2,430** (\$45 per hour x 2 hours per application x 27 applications per year).

Total annual labor costs for all respondents are **\$15,870** (\$13,440 for permit applicants + \$2,430 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$1,400** for all applicants (28 applications x \$50 per application).

b. Operation, Maintenance, and Services.

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government

As part of our oversight responsibilities, we will review 10% (3) of the 27 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$270** (3 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 2 hours to review that application to ensure compliance with section 784.18. The cost of that review is **\$90** (1 application x 2 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$360** (\$270 oversight costs + \$90 permitting costs).

15. There are currently 278 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. The burden will not change from the currently approved 278 hours.
  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 Reporting Requirements of  
Section 784.19***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.19, which establish permit application requirements for the disposal of excess spoil from underground mines, reflect this requirement. Section 508(a)(5) of SMCRA requires that the permit application include a statement of the engineering techniques to be used in mining and reclamation, as well as a description of how the operation will comply with each requirement of section 515. Paragraph (b)(22) of section 515 addresses the disposal of excess spoil.

As currently structured, the requirements of section 784.19 apply to the disposal of underground development waste as well as excess spoil. However, on September 26, 1983, we revised our rules to classify underground development waste as coal mine waste, which means that the disposal of underground development waste has been subject to a different set of permit application requirements (30 CFR 784.16) since that time. We propose to revise section 784.19 to remove all mention of underground development waste to be consistent with the 1983 rule change. We also propose to include requirements analogous to the excess spoil disposal requirements for surface mines at 30 CFR 780.35, rather than just referencing that section as the current rule does. None of these changes would impact the information collection burden for Part 784.

However, we are proposing revisions to 30 CFR 780.35. Those revisions are mirrored in our proposed changes to section 784.19 and they would impact the information collection burden for that section. The new rules would require that the operation be designed to minimize the creation of excess spoil and that the cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. They also would require the applicant to consider a reasonable range of alternatives with respect to excess spoil disposal and, to the extent possible, select the alternative with the least overall adverse environmental impact. The authority for the proposed rules is derived from paragraphs (b)(9)(B) and (b)(11) of section 516 of SMCRA, which require that, to the extent possible, coal mining operations use the best technology currently available to prevent additional contributions of suspended solids to streamflow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.

2. The regulatory authority uses the geotechnical investigation and fill design requirements of this section to ensure that excess spoil is disposed of safely in a stable manner with a minimum of adverse environmental 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. Reporting and Reviewing Burden

- a. Burden Hour Estimates for Respondents

We are proposing to revise these rules to require that all proposed mining operations be designed to minimize the creation of excess spoil and that the cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. Based on responses from the persons in item 8, we estimate that these requirements would add one hour to the burden for permit applicants and one hour to the burden for regulatory authorities to review permit applications.

The proposed rules also would require that each applicant proposing to dispose of excess spoil consider a reasonable range of alternatives with respect to excess spoil disposal, evaluate their environmental impacts, and, to the extent possible, select the alternative with the least overall adverse environmental impact. The persons listed in item 8 indicate that these proposed new requirements would not add to the burden for the permit applicant because that information is already being collected and provided under a different law—sections 401 and 404 of the Clean Water Act. However, the state regulatory authority respondents in item 8 estimate that regulatory authority review of the new material submitted in the permit application would add 6 hours to the burden of the regulatory authority for each application that includes disposal of excess spoil.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), of which we estimate that 75% (47) will include an excess spoil fill and therefore must include the information required by this section. Prior consultations with industry representatives indicate that each applicant will need 8 hours to prepare the information required by 30 CFR 784.16, exclusive of the new information required by the proposed rule. As discussed above, the new requirements would add one hour to that burden,

exclusive of the information that applicants are already preparing and submitting under a different law (the Clean Water Act). Consequently, a permit applicant would need a total of 9 hours to collect the information required under 30 CFR 784.19, as revised by the proposed rule. Therefore, the total annual burden to permit applicants for compliance with this section would be **423 hours** (47 applications x 9 hours per application).

As discussed above, the burden for state regulatory authorities to review the information submitted under this section would increase by 7 hours per application if the proposed rule becomes final, for an average review burden of 12 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.19 if the proposed rule becomes final would be **552 hours** (46 permit applications received by state regulatory authorities with proposed excess spoil fills x 12 hours per application).

Therefore, the total annual burden for all respondents would be **975 hours** (423 hours for permit applicants + 552 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$540 (9 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$25,380** (\$540 per application x 47 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review the applications that they receive would total **\$24,840** (\$45 per hour x 12 hours per application x 46 applications per year).

Total annual labor costs for all respondents would be **\$50,220** (\$25,380 for permit applicants + \$24,840 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, which translates to a total cost of **\$23,500** for all applicants (47 applications x \$500 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (5) of the 46 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$2,250** (5 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 4 hours to review that application to ensure compliance with section 784.19. The cost of that review is **\$540** (1 application x 12 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,790** (\$2,250 oversight costs + \$540 permitting costs).

15. There are currently 583 hours approved for this section. Due to a slight increase in applicant burden and an increase in state regulatory review time because of a programmatic change in the proposed rule, we anticipate a burden change as shown below:

	583 hours currently approved
+	23 hours because of adjustment
+	<u>369</u> hours because of a programmatic change
	975 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 Reporting Requirements of  
Section 784.20***

A. Justification.

1. Section 516(b)(1) of SMCRA requires each operator of an underground mine to prevent subsidence that would cause material damage, to the extent technologically and economically feasible. Our regulations at 30 CFR 784.20 contain permitting requirements, including preparation of a subsidence control plan, related to this performance standard. Those regulations also contain permitting requirements intended to support the implementation of section 720 of SMCRA, which requires the correction of subsidence-related material damage to certain structures and the replacement of domestic water supplies adversely impacted by underground mining operations.
2. The regulatory authority uses the preliminary survey information provided under 30 CFR 784.20 to determine whether a subsidence control plan is needed. It also may use the information provided under this section to evaluate future claims of subsidence damage. The subsidence control plan is the mechanism by which the regulatory authority requires compliance with the directive in section 516(b)(1) of the Act that operators "adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible."
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us),

all of which include at least some of the information required by 30 CFR 784.20. We estimate that each applicant requires an average of 12 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **744 hours** (62 applications per year x 12 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **244 hours** (61 permit applications approved by state regulatory authorities per year x 4 hours per application).

Therefore, the total annual burden for all respondents is **988 hours** (744 hours for permit applicants + 244 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$720 (12 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$44,640** (\$720 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities to review the applications that they receive would total **\$10,980** (\$45 per hour x 4 hours per application x 61 applications approved by state regulatory authorities per year).

Total annual labor costs for all respondents would be **\$55,620** (\$44,640 for permit applicants + \$10,980 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, which translates to a total annual cost of **\$31,000** for all applicants (62 applications per year x \$500 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$1,080** (6 permit applications x 4 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 4 hours to review that application to ensure compliance with section 784.20. The cost of that review is **\$180** (1 application x 4 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$1,260** (\$1,080 oversight costs + \$180 permitting costs).

15. There are currently 1004 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making a slight adjustment in the number of applications prepared by applicants and reviewed by state regulatory authorities. The burden will change as follows:

$$\begin{array}{r} 1,004 \text{ hours currently approved} \\ - \quad \underline{\quad 16 \text{ hours due to an adjustment}} \\ \hline 988 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.21***

A. Justification.

1. The regulations at 30 CFR 784.21 require that each application for an underground mine include baseline fish and wildlife resource information for the proposed permit and adjacent areas. They also require submission of a fish and wildlife protection and enhancement plan. Those requirements are intended to assist implementation of section 516(b)(11) of SMCRA, which requires that coal mining operations be conducted to minimize disturbances and adverse impacts to fish, wildlife, and related environmental values and achieve enhancement where applicable.
2. The regulatory authority uses the information provided under 30 CFR 784.21 to ensure that the operation is designed meet the requirements of section 516(b)(11) of SMCRA to minimize disturbance and adverse impacts on fish, wildlife and related environmental values to the extent possible using the best technology currently available.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 4 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **248 hours** (62 applications x 4 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **488 hours** (61 permit applications received by state regulatory authorities x 8 hours per application).

Therefore, the total annual burden for all respondents is **736 hours** (248 hours for permit applicants + 488 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$240 (4 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$14,880** (\$240 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$21,960** (\$45 per hour x 8 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$36,840** (\$14,880 for permit applicants + \$21,960 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$200, which translates to a total cost of **\$12,400** for all applicants (62 applications x \$200 per application).

b. Operations, Maintenance and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$540** (6 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 4 hours to review that application to ensure compliance with section 784.21. The cost of that review is **\$180** (1 application x 4 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$720** (\$540 in oversight costs + \$180 in permitting costs).

15. There are currently 245 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making a significant adjustment in the number of applications received, from 38 to 62, and a corresponding increase in the number reviewed by the state regulatory authorities. The adjustment will increase the burden by 491 hours. The burden will change as follows:

$$\begin{array}{r} 245 \text{ hours currently approved} \\ + \underline{491} \text{ hours due to an adjustment} \\ \hline 736 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Sections 784.22***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.22, which require that the permit application include various geologic data, reflect this requirement. Sections 507(b)(11), (14) and (15) and 508(a)(13) of SMCRA require collection and analysis of geologic information to determine the probable hydrologic consequences of the proposed mining operations and any potentially acid- or toxic-forming substances that may affect the quality of surface waters or groundwater systems.
2. The regulatory authority uses the information submitted under 30 CFR 784.22 to evaluate the adequacy of the hydrologic reclamation plan for the proposed operation, to determine whether a toxic materials handling plan is needed, to ascertain whether discharge treatment will be needed and whether those discharges will cease after mining and reclamation, to determine whether reclamation is feasible, and prepare the cumulative hydrologic impact assessment required by SMCRA for issuance of a permit.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 24 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **1,488 hours** (62 applications x 24 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **366 hours** (61 permit applications received by state regulatory authorities x 6 hours per application).

Therefore, the total annual burden for all respondents is **1,854 hours** (1,488 hours for permit applicants + 366 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$1,440 (24 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$89,280** (\$1,440 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$16,470** (\$45 per hour x 6 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$105,750** (\$89,280 for permit applicants + \$16,470 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$5,000 for this section, which translates to a total cost of **\$310,000** for all applicants (62 applications x \$5,000 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of



this review is **\$540** (6 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 6 hours to review that application to ensure compliance with section 784.22. The cost of that review is **\$270** (1 application x 6 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$810** (\$540 in oversight costs + \$270 in permitting costs).

15. There are currently 1,404 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment in the number of applications submitted, from 47 to 62, and a corresponding increase in state reviews. The adjustment will increase the burden estimate for this section by 450 hours. The burden will change as follows:

$$\begin{array}{r} 1,404 \text{ hours currently approved} \\ + \quad \underline{450 \text{ hours due to an adjustment}} \\ 1,854 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.23***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.23 reflect this requirement. Those regulations, like sections 507(b)(13) and (14) of SMCRA, require each applicant to submit maps, plans, and cross-sections of the proposed permit area and the adjacent area.
2. The regulatory authority uses the maps, cross-sections, and plans submitted with the application to ensure that the operation has been located and designed in accordance with the requirements of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

While the proposed rule includes various changes to this section, those changes do not impact information collection requirements. According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 40 hours to prepare this information, based on discussions with industry representatives.

Therefore, the annual burden to permit applicants for compliance with this section totals **2,480 hours** (62 applications x 40 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **458 hours** (61 permit applications received by state regulatory authorities x 7.5 hours per application).

Therefore, the total annual burden for all respondents is **2,938 hours** (2,480 hours for permit applicants + 458 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$2,400 (40 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$148,800** (\$2,400 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$20,588** (\$45 per hour x 7.5 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$169,388** (\$148,800 for permit applicants + \$20,588 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$6,200** for all applicants (62 applications x \$100 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$4,320** (6 permit applications x 16 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 8 hours to review that application to ensure compliance with section 784.23. The cost of that review is **\$360** (1 application x 8 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$4,680** (\$4,320 oversight costs + \$360 permitting costs).

15. There are currently 2,954 hours approved for this section. The proposed rule will not alter this burden because the changes it makes to this section will not impact any information collection requirements. However, we are making an adjustment to reduce the number of applications received, from 63 to 62, and a corresponding reduction in the number reviewed by the state regulatory authority. The burden will change as follows:

$$\begin{array}{r} 2,954 \text{ hours currently approved} \\ - \quad \underline{16} \text{ hours due to an adjustment} \\ \hline 2,938 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.24***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.24, which specify design requirements for roads in permit applications, reflect this requirement. Section 701(28) of SMCRA defines surface coal mining operations as including roads and section 515(b)(18) of SMCRA requires that operators refrain from constructing roads in or near streams.
2. The regulatory authority uses the design requirements for roads in 30 CFR 784.24 to ensure that mining permits adhere to the requirements of the Act with respect to surface coal mining operations in general and road placement in particular.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 20 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **1,240 hours** (62 applications x 20 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **275 hours** (61 permit applications received by state regulatory authorities x 4.5 hours per application).

Therefore, the total annual burden for all respondents is **1,515 hours** (1,240 hours for permit applicants + 275 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$1,200 (20 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$74,400** (\$1,200 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$12,353** (\$45 per hour x 4.5 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$86,753** (\$74,400 for permit applicants + \$12,353 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$3,100** for all applicants (62 applications x \$50 per application).

b. Operations, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$1,620** (6 permit applications x 6 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 5 hours to review that application to ensure compliance with section 784.24. The cost of that review is **\$225** (1 application x 5 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$1,845** (\$1,620 in oversight costs + \$225 in permitting costs).

15. There are currently 1,392 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to the total number of respondents that will increase the total burden to 1,515. The burden will change as follows:

$$\begin{array}{r} 1,392 \text{ hours currently approved} \\ + \quad \underline{123 \text{ hours due to adjustments}} \\ \hline 1,515 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.25***

A. Justification.

1. These regulations, which govern disposal of coal processing waste in abandoned underground mines, have no direct counterpart in SMCRA. However, they are a rational extrapolation of our responsibility to ensure that coal mining operations are conducted in a manner that protects the hydrologic balance, including groundwater systems. Those requirements appear in sections 507(b)(11) and 508(a)(13) and throughout sections 510, 515, and 516 of SMCRA.
2. The regulatory authority uses the information collected under this section to ensure that disposal of coal processing waste in underground mines does not cause material damage to the hydrologic balance or pose a stability problem.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us). Based on discussions with industry representatives, we estimate that 55% (34) of those permit applications include the information required by this section. We also estimate that each applicant requires 6 hours to prepare this information, based on the same discussions. Therefore, the annual burden to permit applicants for compliance with this section totals **204 hours** (34 applications x 6 hours per application).



The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **132 hours** (33 permit applications received by state regulatory authorities x 4 hours per application).

Therefore, the total annual burden for all respondents is **336 hours** (204 hours for permit applicants + 132 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$360 (6 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$12,240** (\$360 per application x 34 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$5,940** (\$45 per hour x 4 hours per application x 33 applications containing this information received by state regulatory authorities each year).

Total annual labor costs for all respondents are **\$18,180** (\$12,240 for permit applicants + \$5,940 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$3,400** for all applicants (34 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (3) of the 34 underground mine permit applications approved by state regulatory authorities each year that contain this information. The cost of this review is **\$810** (3 permit applications x 6 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 4 hours to review that application to ensure compliance with section 784.25. The cost of that review is **\$180** (1 application x 4 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$990** (\$810 in oversight costs + \$180 in permitting costs).

15. There are currently 346 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are reducing by one the number of respondents who submit applications. The burden will change as follows:

$$\begin{array}{r} 346 \text{ hours currently approved} \\ - \underline{\quad 10 \text{ hours due to an adjustment}} \\ 336 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.28***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. Proposed 30 CFR 784.28 in part reflects this requirement. Those regulations establish permit application requirements for activities in or within 100 feet of waters of the United States and specify findings that the regulatory authority must make before approving those activities. However, the proposed rules are primarily intended to implement section 516(b)(10)(B), which requires that mining operations be conducted to prevent additional contributions of suspended solids to streamflow outside the permit area to the extent possible, and section 516(b)(11), which requires that mining operations minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values to the extent possible. Both sections require use of the best technology currently available. Section 201(c) of SMCRA provides the authority for us to adopt regulations implementing those sections of SMCRA.
2. The regulatory authority will use the information provided under this section and the findings that it must make to ensure that mining operations are designed to implement the statutory requirements outlined in the response to item 1.
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. Burden Hour Estimates for Respondents

The proposed rule would remove the requirement that the regulatory authority make certain findings before approving waivers from the prohibition on disturbances within 100 feet of an intermittent or perennial stream in existing 30 CFR 817.57(a). Instead, proposed 30 CFR 784.28 would establish new permit application requirements that would apply to all proposed disturbances within 100 feet of any waters of the United States. The applicant would need to demonstrate that the activities would meet the statutory requirements for sediment control and protection of fish, wildlife, and related environmental values to the extent possible using the best technology currently available. Proposed section 784.28 also would require that the regulatory authority make findings that the applicant had made the required demonstration in a satisfactory manner in all cases of proposed disturbance of the 100-foot buffer.

Therefore, the burden now imposed on permit applicants and regulatory authorities under 30 CFR 817.57 for stream buffer zones would move to proposed 30 CFR 784.28. Based on responses from the persons in item 8, we estimate that the new requirements in section 784.28 would impose a unit burden equal to that currently imposed under 30 CFR 817.57.

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us). Based on the information provided by the persons listed in item 8, we estimate that 70% (43) of those permits will include activities in or within 100 feet of waters of the United States and therefore must include the information required by this section. On the same basis, we anticipate that the information also will be needed for a number of permit revisions equal to 10% (6) of the total number of permits issued. We estimate that each applicant will need 10 hours to prepare the information required by 30 CFR 784.28. Therefore, the total annual burden to permit applicants for compliance with this section would be **490 hours** (49 new permit and permit revision applications with activities in buffer zones x 10 hours per application).

We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.28 and make the required findings if the proposed rule becomes final would be **480 hours** (48 permit and permit revision applications received by state regulatory authorities with activities in buffer zones x 10 hours per application).

Therefore, the total annual burden for all respondents would be **970 hours** (490 hours for permit applicants + 480 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section would be \$600 (10 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants would be **\$29,400** (\$600 per application x 49 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory

authorities to review the applications that they receive would total **\$21,600** (\$45 per hour x 10 hours per application x 48 applications per year).

Total annual labor costs for all respondents would be **\$51,000** (\$29,400 for permit applicants + \$21,600 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$4,900** for all applicants (49 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (5) of the 48 underground mine permit and permit revision applications approved by state regulatory authorities each year for activities in or within 100 feet of waters of the United States. The cost of this review is **\$2,250** (5 permit applications x 10 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 10 hours to review that application to ensure compliance with section 784.28. The cost of that review is **\$450** (1 application x 10 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$2,700** (\$2,250 in oversight costs + \$450 in permitting costs).

15. There are currently no hours approved for this section, which does not yet exist. If the proposed rule becomes final, this programmatic change will transfer 970 burden hours from 30 CFR 817.57 to this section, as shown below, as shown below:

0 hours currently approved
+ 970 hours because of a programmatic change (transfer from section 817.57)
970 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 Reporting Requirements of  
Section 784.29***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.29, which require that the permit application include designs for all stream-channel and other diversions, reflect this requirement. Section 508(a)(5) of SMCRA requires that the application include a plan for the control of surface water drainage. In addition, section 508(a)(13) of SMCRA requires that the application include a detailed description of measures to be taken to ensure the protection of surface water systems.
2. The regulatory authority uses the information provided under this section to ensure that mining operations are designed to protect the hydrologic balance and safely control surface runoff.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 16 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **992 hours** (62 applications x 16 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **305 hours** (61 permit applications received by state regulatory authorities x 5 hours per application).

Therefore, the total annual burden for all respondents is **1,297 hours** (992 hours for permit applicants + 305 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$960 (16 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$59,520** (\$960 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$13,725** (\$45 per hour x 5 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$73,245** (\$59,520 for permit applicants + \$13,725 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$3,100** for all applicants (62 applications x \$50 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimate of Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$1,080** (6 permit applications x 4 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 5 hours to review that application to ensure compliance with section 784.29. The cost of that review is **\$225** (1 application x 5 hours per application x \$45 per hour).



The total annual cost to the Federal government for this section is **\$1,305** (\$1,080 in oversight costs + \$225 in permitting costs).

15. There are currently 331 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are making an adjustment to correct the previous calculation and increase the number of respondents from 16 to 62, which will increase the burden by 966 hours. The burden will change as follows:

$$\begin{array}{r} 540 \text{ hours currently approved} \\ + \quad \underline{966 \text{ hours due to an adjustment}} \\ \hline 1,297 \text{ hours requested} \end{array}$$

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 Reporting Requirements of  
Section 784.30***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.30, which require that the permit application include designs for support facilities consistent with the performance standards for those facilities at 30 CFR 817.181, reflect this requirement. The performance standards at 30 CFR 817.181 are derived from the sedimentation control and fish and wildlife protection requirements of sections 516(b)(9) and (11) of SMCRA.
2. The regulatory authority uses the information provided under this section to ensure that support facilities are designed to ensure compliance with performance standards.
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. Burden Hour Estimates for Respondents

According to our FY 2006 annual oversight evaluation reports, we and the states issued 62 new permits for underground mines during that year (61 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 8 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **496 hours** (62 applications x 8 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **122 hours** (61 permit applications received by state regulatory authorities x 2 hours per application).

Therefore, the total annual burden for all respondents is **618 hours** (496 hours for permit applicants + 122 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

At a wage rate of \$60 per hour, the annual labor cost for each permit applicant to comply with this section is \$480 (8 hours per permit application x \$60 per hour) and the total annual labor cost to all applicants is **\$29,760** (\$480 per application x 62 applications). At a wage rate of \$45 per hour, the annual labor cost to state regulatory authorities totals **\$5,490** (\$45 per hour x 2 hours per application x 61 applications per year).

Total annual labor costs for all respondents are **\$35,250** (\$29,760 for permit applicants + \$5,490 for state regulatory authorities).

13. Total Annual Non-Wage Cost Burden to Respondents.

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$6,200** for all applicants (62 applications x \$100 per application).

b. Operation, Maintenance, and Services:

None other than those associated with customary and usual business practices.

14. Estimated Costs to the Federal Government:

As part of our oversight responsibilities, we will review 10% (6) of the 61 underground mine permit applications approved by state regulatory authorities each year. The cost of this review is **\$540** (6 permit applications x 2 hours to review each application x \$45 per hour).

For Federal program states, Indian lands, and on Federal lands in states without a cooperative agreement, OSM is the regulatory authority. Based on FY 2006 data, we estimate that we will review one underground mine permit application each year in that capacity and that we will need 2 hours to review that application to ensure compliance with 30 CFR 784.30. The cost of that review is **\$90** (1 application x 2 hours per application x \$45 per hour).

The total annual cost to the Federal government for this section is **\$630** (\$540 in oversight costs + \$90 in permitting costs).

15. There are currently 628 hours approved for this section. The proposed rule will not affect this burden because the proposed rule does not revise this section. However, we are reducing by one the number of applications received and a corresponding reduction in the number reviewed by the state regulatory authorities. The burden will change as follows:

$$\begin{array}{r} 628 \text{ hours currently approved} \\ - \underline{10} \text{ hours due to an adjustment} \\ 618 \text{ hours requested} \end{array}$$

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.