

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

**30 CFR 774 – Revisions; Renewals; and Transfer, Assignment,
or Sale of Permit Rights**

1029-0116

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.*

Introduction

The Office of Surface Mining Reclamation and Enforcement (OSM) submits this request for information collection approval to collect information under 30 CFR Part 774, Revision; Renewal; Transfer, Assignment, or Sale of Permit Rights; Post-Permit Issuance Requirements; and Other Actions based on the Ownership and Control; Permit and Application Information; Transfer, Assignment, or Sale of Permit Rights final rule . The regulations under 30 CFR Part 774 address general and specific requirements for permit revisions and renewals; transfer, assignment, or sale of permit rights; permittee post-permit information disclosure; update, maintenance requirements; and procedures for regulatory authorities to pursue permanent permit ineligibility, develop findings of ownership and control, and determine if alternative enforcement actions under Parts 843, 846, or 847 are warranted when a person is found to own or control a surface coal mining operation having an unabated or uncorrected violation. This request is submitted in compliance with OMB requirements for final rulemaking. This section has been amended from our last collection approval on February 21, 2007.

On December 19, 2000, OSM promulgated certain revisions to the regulatory requirements under CFR Part 774 in the 2000 Ownership and Control final rule (65 FR 79582) (2000 final rule). The adopted revisions added sections 774.11 and 774.12 to 30 CFR Part 774 and caused two existing sections to be re-designated.

The 2000 final rule became effective on January 18, 2001. On February 15, 2001, the National Mining Association (NMA) filed suit in United States District Court to overturn parts of the rule, including provisions adopted in 30 CFR Part 778. OSM and NMA agreed to engage in discussions in an attempt to settle the issues NMA proposed to litigate. The parties were able to settle all of the issues raised by NMA. As a condition of the settlement, OSM agreed to propose rulemaking to amend certain provisions adopted in the 2000 final rule. OSM published a proposed rulemaking that addressed the majority of the issues in the lawsuit in 2003 (68 FR 75036, December 19, 2003). However, after comments were received and additional consideration was given, OSM determined that it was best to withdraw the proposed rule and re-propose it in combination with another portion of the rule that included changes to definitions and provided commenters a better context for review. The proposed rule was published on October 10, 2006 (71 FR 59591). Based on the comments received regarding the proposed rule we have decided to adopt the rule as proposed in most but not all sections. Specific sections will be discussed below. Most significantly, the collection burden of some paragraphs of 30 CFR Part 774 will be impacted by changes in the definitions of key terms used in this section. The result of the changes is a reduction in collection burden in section 774.17.

The Office of Management and Budget (OMB) has previously approved continued information collection for 30 CFR Part 774. OMB assigned information collection clearance number 1029-0116 to the approval.

Following are the provisions in 30 CFR Part 774 relevant to this request for approval of continued information collection.

- Section 774.12(a) requires permittees to provide updates to information initially disclosed in an application under 30 CFR 778.11 within 30 days of being cited with a cessation order.
- Section 774.12(c) requires permittees to update the information initially required to be provided in an application for a permit under 30 CFR 778.11 within 60 days of a change in that information, including the date of any departure. In the proposed rule at this paragraph we had considered requiring a written notification of changes impacting the bond holder. A bond or similar guarantee is a requirement for mining. Based on comments received we now agree that this collection is unnecessary and recognize that it is perceived as an interference in the surety/mining company relationship. We therefore determined we would not adopt the provision. The final rule amends this section to reflect a logistical change creating a redesignation of the paragraphs. It will not impact the information collection.
- Section 774.13(b)(2) requires a permittee applying for, at minimum, a significant permit revision to comply with the information and procedural requirements under sections 773.6, 773.19(b)(1) and (3), and 773.21.
- Section 774.13(c) requires a regulatory authority to disapprove an application for a permit revision if an applicant does not meet the criteria for approval.
- Section 774.15(b)(1) through (b)(4) requires a permittee applying for a permit renewal to comply with the specific information and procedural requirements for an application for a permit renewal.
- Section 774.15(c) requires regulatory authorities to review applications for permit renewals and determine the eligibility of an applicant.
- Section 774.15(e) requires regulatory authorities to notify OSM, if OSM is not the regulatory authority, and the applicant, each person who filed comments or objections on the renewal, and to each party to any informal conference held on the permit renewal.
- Section 774.17(b)(1) requires an applicant for a transfer, assignment, or sale of permit rights to submit an application for a transfer, assignment, or sale of permit rights. In the final rule we are changing the definition of when a transfer, assignment or sale occurs. The resulting impact will reduce the number of applicants and therefore the number of responses in this and the other §774.17 paragraphs.
- Section 774.17(b)(2) requires an applicant for a transfer, assignment, or sale of permit rights to advertise a filed application in a newspaper of general circulation in the locality of the permitted operation.
- Section 774.17(d)(1) provides that a regulatory authority may allow a permittee to transfer, assign, or sell permit rights to a successor, if the regulatory authority makes a written finding with respect to an applicant's eligibility for a permit under 30 CFR sections 773.12 and 773.15. OSM has revised this paragraph to refer to sections 773.12 and 773.14 due to a re-designation, and will not impact the information collection burden.
- Section 774.17(e)(1) requires a regulatory authority to notify OSM, if OSM is not the regulatory authority, the permittee, the successor, and commenters of its permitting decision and findings on the proposed transfer, assignment, or sale of permit rights.
- Section 774.17(e)(2) requires a successor to provide immediate notice to the regulatory authority with jurisdiction of the consummation of a transfer, assignment, or sale of permit rights.

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

Summary tables of the Information Collection Requirements for Part 774 and changes to the approved information collection are shown below.

Summary
Information Collection
30 CFR Part 774

SECTION	APPLICANT/ PERMITTEE RESPONSES	STATE RESPONSES	APPLICANT BURDEN	STATE BURDEN	TOTAL HOURS	CURRENTLY APPROVED HOURS	CHANGE TO BURDEN
774.12(a)	80	0	4	0	320	320	(0)
774.12(c)	200	0	2	0	400	400	(0)
774.13	1,978	1,929	8	8	31,256	31,256	(0)
774.15	734	719	16	16.5	23,608	23,608	(0)
774.17(b)(1)	370	0	8	0	6,483	8,321	(1,838)
774.17(b)(2)	370	0	.75	0			
774.17(d)(1)	0	360	0	8			
774.17(e)(1)	0	360	0	.5			
774.17(e)(2)	370	0	.5	0			
TOTALS					62,067	63,905	(1,838)

SUMMARY OF CHANGES TO BURDEN

PURPOSE OF BURDEN CHANGE	BURDEN HOUR CHANGE
774.17 Change in definition of qualifying event created a reduction in the set of actions requiring compliance with this section	(1,838)

IDENTICAL RESPONSES TO STATEMENTS

A. Justification

3. Applicants are required to provide specific information in applications for permit revisions; permit renewals; and transfer, assignment, or sale of permit rights. In addition, permittees are required to provide and update specific information after a permit is issued. State regulatory authorities are required to review applications submitted under 30 CFR Part 774 to determine the eligibility of applicants for permit revisions; permit renewals; and transfer, assignment, or sale of permit rights. State regulatory authorities also are required to notify OSM and other designated parties following approval of a permit renewal or a transfer, assignment, or sale of permit rights. In addition, State regulatory authorities are required to maintain permitting information in the Applicant/Violator System (AVS) and take specific actions when a permittee fails to comply with certain requirements under SMCRA. The legal authority under the Act for information collection in 30 CFR Part 774 is found at sections 506, 507, 509, 510, and 511.

The majority of the information used in 30 CFR Part 774 is required for initial disclosure under 30 CFR Part 778. Most of the information collected under 30 CFR Part 774 is conducive to electronic media and transmission. Since 1987, OSM and 24 approved State regulatory programs have used AVS, among other things, to assist in determining the eligibility of permittee-applicants for permit revisions, permit renewals, and transfer, assignment or sale of permit rights. AVS contains permitting history as well as entity and compliance information. OSM continues to maintain operation of the AVS and coordinates with and assists States in maintaining accurate and complete data. The industry and general public may also obtain access to AVS to view applicant, permittee, permit history, and violation information.

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

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

4. The required information under 30 CFR Part 774 is unique to each surface coal mining applicant for permit revision; permit renewal, and transfer, assignment, or sale of permit rights. No other source of the information is available. Industry respondents are companies in the coal mining business who have been issued permits and must then comply with the information disclosure requirements following permit issuance, or with application requirements concerning permit revisions; permit renewals; and transfers, assignments, or sales of permit rights. State respondents are the OSM-approved State programs that implement permitting and enforcement for surface coal mining operations.
5. There are no special provisions for small businesses or other small entities under these regulations. Data available to OSM from another Federal agency indicates that out of approximately 2,000 coal mining operations, all but 11 qualify as a small business under Small Business Administration regulations. However, OSM does have a small operator assistance program, regulated under 30 CFR 795, which has a separately approved information collection clearance number.
6. Respondents provide information required under 30 CFR Part 774 only at the time of application for a permit renewal; revision; or transfer, assignment or sale of permit rights. Less frequent collection of the information would compromise the accuracy and completeness of information required for nationwide permitting and enforcement purposes and would not be in compliance with the Act.
7. The information collection under 30 CFR Part 774 is consistent with 5 CFR 1320(d)(2). Information is collected at the time a permittee applicant applies for a permit revision; permit renewal; or a transfer, assignment, or sale of permit rights and at the time a permittee is cited with a cessation order, or incurs a change in the information required for disclosure when initially applying for a permit. OSM is currently preparing regulations to require a maximum of one original and two copies of each permit application where they are the regulatory authority, and informing the State regulatory authority that this is the appropriate number where they are the regulatory authority for Federal lands.
8. OSM published a proposed rulemaking on December 21, 1998 (63 FR 70580). Final rules were adopted from this proposed rulemaking on December 19, 2000 (65 FR 79582). Subsequently, we published this proposed rule on October 10, 2006 (71 FR 195).

OMB has previously approved OSM's information collection authority for 30 CFR Part 774. OMB's most recent review and renewal of OSM's request for continued information collection approval was given in February 2007. Federal and industry

officials were consulted in preparing the request for continued information collection approval. OMB has assigned approval number 1029-0116 to our information collection authority in 30 CFR Part 774.

At the time of this request for approval of continued information collection, only OSM, in States and regions where it is the regulatory authority, is required to implement the regulatory changes adopted in our 2000 Ownership and Control final rule (65 FR 79582, December 19, 2000). Therefore, only Federal officials and an industry official familiar with Federal permitting requirements have been contacted concerning the changes in the information collection burden shown in this submission.

Federal Regulatory Authority Officials Contacted:

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

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

Coal Mining Industry Official Contacted:

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

The Federal officials agree that the current information collection requirements in 30 CFR Part 774 for industry respondents are not burdensome. At this time, State implementation of revisions adopted in their counterparts to 30 CFR Part 774 is strictly voluntary. The industry official stated that the current provisions in 30 CFR Part 774 that create an information collection burden for the industry are almost identical to previous provisions located elsewhere in the Federal regulations. These provisions were revised and re-designated in the 2000 final rule.

On September 11, 2006, OSM published in the Federal Register (71 FR 53476) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSM does not provide payments or gifts to respondents.
10. No confidential information is solicited or required under the information collection requirements for 30 CFR Part 774. If an applicant identifies information under 30 CFR Part 774 it wants to remain confidential, regulatory authorities rely upon the regulatory provisions at 30 CFR 773.6(d) to ensure confidentiality of qualified information. There are limitations to information that may qualify for confidentiality. No confidential information is required in order to report changes in 30 CFR Part 774 of information initially provided under 30 CFR Part 778.
11. Not applicable. No sensitive information is solicited or required under the information collection requirements for 30 CFR Part 774.
16. Not applicable. OSM has no plans to publish the information collected under 30 CFR Part 774.
17. Not applicable. OSM does not seek a waiver from the requirement to display the expiration date of the OMB approval of the information collection under 30 CFR Part 774. The OMB control number is 1029-0116 for 30 CFR Part 774 and is found in section 774.9.
18. Not applicable. There are no exceptions to the certification statement in Item 19 of OMB Form 83 - I.

Supporting Statement for Recordkeeping Requirements
Section 774.12

A. Justification

1. Following permit issuance, a permittee continues to have information disclosure obligations under the Act and its implementing regulations. Section 774.12 requires industry respondents (permittees) to provide information following the issuance of a permit when certain specified events occur. The legal authority for section 774.12 is found in sections 507 and 510 of SMCRA. The information collected from permittees under section 774.12 ensures the continued accuracy and completeness of entity, affiliation, and violation information required under sections 507 and 510 of the Act after a permit is issued.
2. The respondents under section 774.12 are permittees (formerly, applicants for permits). Permittees are required under section 774.12 to report specific information to the regulatory authority with jurisdiction over the permit. The information includes an update of all information initially disclosed in the permittee's application for a permit under section 778.11 within 30 days after a permittee is cited with a cessation order. Permittees also are required to notify the regulatory authority with jurisdiction within 60 days of any addition, departure, or change in position of any person initially disclosed as required under sections 778.11 (c), (d), and (e).
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. Information collected under section 774.12 ensures that the information initially collected from applicants under sections 778.11 and 778.14 continues to be accurate, complete, and maintained nationwide in a computer system accessible by all regulatory authorities. Regulatory programs use the information for a variety of permitting and enforcement purposes under the Act and its implementing regulations. Less frequent collection of the information would compromise the accuracy and completeness of information made available nationwide for permitting and enforcement purposes.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.

11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
 - a. Burden Hour Estimates for Respondents

The following table shows the estimated burden hours for respondents (Federal and State permittees) under section 774.12. The estimated number of respondents is based on data collected for the 2005 evaluation year. Data in the table is discussed below. Some calculations have been rounded.

Section	Permittee Responses	Hours per Response	Total Hours
774.12(a)	80	4	320
774.12(c)	200	2	400
TOTALS			720

Under paragraph (a), we estimate that 75 State permittees and 5 Federal permittees, for a total of 80 responses, will be required to report updated information under paragraph (a) following the issuance of a cessation order. This estimate is an adjustment based on enforcement data collected for the 2005 evaluation year. We estimate a permittee will require an average of 4 hours to provide this information. This hourly estimate per response is unchanged from our previous request. Therefore, the estimated burden for permittees under paragraph (a) is 320 hours (80 responses x 4 hours per response).

Under paragraph (c), we estimate that there will be 190 responses from State permittees and 10 responses from Federal permittees subject to an information collection burden where there is a change in the information that was required to be disclosed on the application, for a total of 200 responses. This estimate is based on data collected for the 2005 evaluation year. We estimate a permittee will require 2 hours to provide this information. This hourly estimate is unchanged from our previous request. Therefore, the estimated burden for permittees under paragraph (c) is 400 hours (200 responses x 2 hours per response).

There is no information collection burden for State governments under this section.

Therefore, the total estimated burden hours for industry respondents under section 774.12 is therefore, 720 hours (320 hours under paragraph (a) + (400 hours under paragraph (c)).

There is no information collection burden for State governments under section 774.12.

- b. Estimated Wage Cost to Respondents

Using U.S. Department of Labor’s Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_212100.htm) we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.3 of hourly wages):.

Respondent Wage Cost				
Position	Hour Burden per Response	Total Hours	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	140	20	2,800
Mining Engineer	4	440	44	19,360
Operations Manager	1	140	59	8,260
Total	6	720		30,420

Therefore, the estimated total annual cost for industry respondents for section 774.12 is \$30,420 hour.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 774.12 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 774.12 in the absence of indication of problems. OSM estimates that it will conduct an oversight review of section 774.12 in one State per year. OSM estimates that the oversight review will require 8 hours. The annual average salary used to estimate the wage cost to the Federal Government is \$45 per hour for a GS 13 step 4 technician (including benefits and rounded). Therefore, OSM estimates the cost to the Federal government for oversight of section 774.12 will be \$360 (8 hours x \$45 per hour).

Federal Programs. There is no information collection burden or annual wage cost for OSM as the regulatory authority under section 774.12.

15. This information collection request remains the same as the previously approved collection burden of 720 hours.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.

Supporting Statement for Recordkeeping Requirements
Section 774.13

A. Justification

1. Section 774.13 provides for the application and review requirements for permit revisions. Permittees may apply for a permit revision at any time during the term of a permit. In addition, regulatory authorities may require a permittee to apply for a permit revision when circumstances on the permit warrant or to comply with other regulatory program requirements. The information collection burden associated with section 774.13 is the submission of the information required in an application for a permit revision. The legal authority for section 774.13 is found in section 511 of SMCRA. The information collection is necessary to comply with sections 507, 510, and 511 of SMCRA.

2. The respondents in section 774.13 are permittees (formerly applicants for permits) and State regulatory authorities.

Permittees are required to apply for a significant permit revision under section 774.13. The application requirements include establishing the scale or extent of the proposed permit revision as well as compliance with the information disclosure requirements for applicants and notice requirements under 30 CFR Parts 773 and 778.

State regulatory authorities are required, under 774.13, to establish the time period within which it will approve or disapprove a proposed permit revision, to ensure requirements for public participation are met, and to review each application for a permit revision to determine if an applicant meets the criteria for approval.

3. See Identical Responses to Statements.

4. See Identical Responses to Statements.

5. See Identical Responses to Statements.

6. Without the information collected in section 774.13(b)(2), regulatory authorities are unable to make a permitting decision on an application for a permit revision and thereby ensure that a change to the approved permit meets all requirements of the regulatory program. Section 774.13(c) ensures that regulatory authorities review and make a determination on each application for a permit revision. Since the information required under section 774.13 is collected only at the time of application for a permit revision, less frequent collection of the information is not applicable in order to comply with the provision.

7. See Identical Responses to Statements.

8. See Identical Responses to Statements.

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

a. Burden Hour Estimates for Respondents

Respondents under section 774.13 are industry (Federal and State applicants for permit revisions) and State regulatory authorities. The following table shows the estimated burden hours for respondents under section 774.13.

Section	Permittee Responses	State Responses	Permittee hours per Response	State hours per Response	Total Hours
774.13(a)	1,978	0	8	0	15,824
774.13(b) and (c)	0	1,929	0	8	15,432
TOTALS					31,256

We estimate 1,978 applications for permit revision under section 774.13(a) will be submitted by Federal and State applicants each year. This estimate is based upon data collected for the 2005 evaluation year. We estimate each application for a permit revision will require an average of 8 hours to prepare. The hourly estimate is unchanged from our previous request. Therefore, we estimate the burden hours for Federal and State permittees to prepare an application for a permit revision to be 15,824 hours (1,978 revision applications x 8 hours per application).

We estimate 1,929 applications for revision under section 774.13(c) will be for permit revisions on State-issued permits. We estimate State regulatory authorities will require an average of 8 hours to review each application. This estimate of the hourly burden is unchanged from our previous request. Therefore, the burden hours for State regulatory authority review of an application for a permit revision is estimated to be 15,432 hours (1,929 revision applications x 8 hours per review).

Therefore, we estimate the total burden for all respondents under section 774.13 to be 31,256 hours (1,978 applications for permit revision x 8 hours to prepare + 1,929 applications for permit revision x 8 hours to review).

b. Estimated Wage Cost to Respondents

Using U.S. Department of Labor's Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_212100.htm) we estimate the following wage

costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.3 of hourly wages).:

Industry Wage Cost				
Position	Hour Burden per Response	Total Hours	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	1,978	20	39,560
Mining Engineer	6	11,868	44	522,192
Operations Manager	1	1,978	59	116,702
Total	8	15,824		678,454

Therefore, the estimated total annual cost for industry respondents for section 774.13 is \$678,454.

Using U.S. Department of Labor’s Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_999200.htm#b00-0000) we estimate that the wage cost to physical scientists at the State regulatory authorities is \$32 per hour (including benefits). We estimate State regulatory authorities will require an average of 8 hours to review an application for a permit revision. This estimate is unchanged from our previous request. The estimated annual cost to State regulatory authorities is estimated to be \$493,824 (1,929 applications for permit revision x 8 hours per review x \$32 per hour).

Therefore, the total cost to all respondents under section 774.13 is estimated to be \$1,172,278 (\$678,454 for permittee applications for permit revisions + \$493,824 for State regulatory authority review of applications for permit revision).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 774.13 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 774.13 in the absence of indication of problems. OSM

estimates it will conduct an oversight review of section 774.13 in one State per year. OSM estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual average salary used to estimate the wage cost to the Federal Government is \$45 per hour for a GS 13 step 4 technician (including benefits). Therefore, OSM estimates the cost to the Federal government for oversight of section 774.13 will be \$1,800 (40 hours x \$45 per hour).

Federal Programs. OSM estimates it will require an average of 8 hours for OSM to review each of the estimated 49 Federal applications for a permit revision. This estimate of review time is unchanged from the previous request for information collection approval. The estimated annual wage cost is \$45 per hour. Therefore, OSM estimates the cost to review applications for a permit revision to be \$17,640 (49 applications for a permit revision x 8 hours per review x \$45 per hour).

Therefore, the total cost to the Federal Government under section 774.13 is estimated to be \$19,440 (\$1,800 for oversight + \$17,640 for Federal programs).

15. This information collection request remains the same as the last approved collection of 31,256 hours.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.

B. Collection of Information Employing Statistical Methods

See Identical Responses to Statements.

**Supporting Statement for Recordkeeping Requirements
Section 774.15**

A. Justification

1. Section 774.15 provides for the application and review requirements for permit renewals. Permittees have the right of successive renewal of a permit if the permittee and permit meet certain statutory requirements. The information collection burden associated with section 774.15 is the information provided by a permittee in an application for a permit renewal. The legal authority for section 774.15 is found in section 506(d) of SMCRA. The collected information is necessary to comply with sections 506, 507, and 509 of the Act.

2. The respondents in section 774.15 are permittees (formerly applicants for permits) and State regulatory authorities. Permittees are required to apply for a permit renewal under section 774.15. An applicant must submit in an application for a permit renewal to the regulatory authority with jurisdiction over the permit within 120 days of the expiration of the existing permit. An applicant must provide: (1) the name and address of the permittee, the term of the renewal requested, and the permit number or other identifier; (2) evidence that a liability insurance policy or adequate self-insurance will be provided by the applicant for a permit renewal; (3) evidence that the performance bond in effect for the operation will continue in full force and effect for the requested renewal, as well as any additional bond required by the regulatory authority; (4) a copy of the proposed newspaper notice and proof of publication; and (5) additional revised or updated information required by the regulatory authority.

State regulatory authorities are required, under section 774.15(c), to: (1) review each application for a permit renewal and determine if the applicant meets the criteria for approval and (2) notify OSM of its decision on any application for a permit renewal.

Our previous request for information collection approval erroneously stated that there are information collection requirements in sections 774.15(b)(3) and 774.15(b)(4).

3. See Identical Responses to Statements.

4. See Identical Responses to Statements.

5. See Identical Responses to Statements.

6. Without the information collected from permittees in section 774.15(b), regulatory authorities are unable to make a permitting decision on an application for a permit renewal and thereby ensure that a proposed renewal of an approved permit meets all requirements of section 506(d) of SMCRA and its implementing regulations. Sections 774.15(c) and (e) ensure that regulatory authorities make a determination on each application for a permit renewal and notify OSM, where OSM is not the regulatory authority, of the finding. Since the information required under section

774.15(b) is collected only at the time of application for a permit revision, less frequent collection of the information would result in failure to comply with SMCRA.

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

a. Burden Hour Estimates for Respondents

The following table shows the estimated burden hours for respondents (Federal and State permittees) under section 774.15. The estimated number of respondents is based on data collected in the 2005 evaluation year. Data in the table is discussed below. Some calculations have been rounded.

Section	Permittee Responses	State Responses	Permittee hours per Response	State hours per Response	Total Hours
774.15(b)	734	0	16	0	11,744
774.15(c)	0	719	0	16	11,504
774.15(e)	0	719	0	.5	360
TOTALS					23,608

We estimate 734 industry respondents (Federal and State permittees) will apply annually for a permit renewal. The data was collected for the 2005 evaluation year. We estimate that each application for a permit renewal under section 774.15(b) will require an average of 16 hours to prepare. This estimate is unchanged from our previous request. Therefore, the estimated burden hours for industry respondents to apply for a permit revision are 11,744 (734 applications for a permit renewal x 16 hours per application).

We estimate that State regulatory authorities will require an average of 16 hours to review the estimated 719 State applications for a permit renewal under section 774.15(c). This hourly estimate is unchanged from our previous request. Therefore, we estimate the burden hours for State regulatory authorities to be 11,504 (719 State applications for a permit renewal x 16 hours per review).

We estimate State regulatory authorities will require an average of .5 hours under section 774.15(e) to notify OSM, where OSM is not the regulatory authority, of the

decision on a permit renewal application for the estimated 719 applications for renewal of a State permit. The estimated burden hours for State regulatory authorities to notify OSM of decisions on applications for renewals is 360 hours (719 applications for permit renewal x .5 hours per notification).

Therefore, we estimate the total burden hours for all respondents under section 774.15 to be 23,608 hours (11,744 hours for applicants + 11,504 hours for State review + 360 hours for State notification).

b. Estimated Wage Cost to Respondents

Using U.S. Department of Labor’s Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_212100.htm) we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.3 of hourly wages):

Industry Wage Cost				
Position	Hour Burden per Response	Total Hours	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	2	1,468	20	29,360
Mining Engineer	12	8,808	44	387,552
Operations Manager	2	1,468	59	86,612
Total	16	11,744		503,524

Therefore, the estimated total annual cost for industry respondents for section 774.15 is \$503,524.

Using U.S. Department of Labor’s Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_999200.htm#b00-0000) we estimate that the wage cost to physical scientists to review this section at the State regulatory authority is \$32 per hour (including benefits). Therefore, we estimate the annual cost to State governments for section 774.15 will be \$379,632 (719 applications for permit renewal x a total of 16.5 hours per review and notification x \$32 per hour).

Therefore, the total estimate wage cost for all respondents under section 774.15 is \$883,156 (\$503,524 for permittee respondents + \$379,632 for State respondents).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 774.15 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 774.15 in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 774.15 in one State per year. OSM estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual average salary used to estimate the wage cost to the Federal Government is \$45 per hour for a GS 13 step 4 technician (including benefits and rounded). Therefore, OSM estimates the cost to the Federal government for oversight of section 774.15 will be \$1,880 (40 hours x \$47 per hour).

Federal Programs. OSM estimates it will annually review 15 applications for permit renewals on lands and for operations for which OSM is the regulatory authority. The estimate is based upon data collected for the 2005 evaluation year. We estimate OSM will require 16 hours to review each application for a permit renewal under section 774.15(c). This estimate is unchanged from our previous request. The estimated annual salary for the Federal government is \$45 per hour. Therefore, the cost to the Federal government for a Federal program under section 774.15 is estimated to be \$10,800 (15 applications x 16 hours per review x \$45 per hour).

Therefore, the total cost to the Federal government under section 774.15 is estimated to be \$12,600 (\$1,800 for oversight + \$10,800 for Federal programs).

15. This information collection request remains the same as the previously approved estimate of 23,608 hours.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.

Supporting Statement for Recordkeeping Requirements
Section 774.17

A. Justification

1. Section 774.17 governs the requirements for a transfer, assignment, or sale of permit rights. The information collected from persons who apply for a transfer, assignment, or sale of permit rights under section 774.17 is in the form of an application for a transfer, assignment, or sale of permit rights. The legal authority for section 774.17 is found in sections 506(b) and 511(b) of SMCRA. The collected information in section 774.17 is necessary to comply with sections 506, 507, 509, 510, and 511 of the Act.

2. The respondents in section 774.17 are permittees (formerly applicants for permits) and State regulatory authorities. Under the current rule, permittees apply for a transfer, assignment, or sale of permit rights under section 774.17 whenever a permittee intends to engage in a transaction that will result in a transfer, assignment, or a sale of permit rights (TAS). The transactions resulting in the TAS are a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the regulatory authority. Under the proposed rule the requirement that will trigger the need for an application for a TAS has been simplified creating a reduction in the number of respondents. The proposed language will limit the requirement to those instances where there is a change in permittee. A permittee is defined at section 701.5. The result of this change will be a reduction in the number of TAS actions. In a TAS application, an applicant/permittee must include the name and address of the existing permittee and relevant permit number; a brief description of the proposed transaction; and the legal, financial, compliance, and related information specified in 30 CFR Part 778. The permittee must also advertise the filed application in a newspaper of general circulation in the locality of the surface coal mining operation, including the name and address of the applicant, permittee, the permit number, the geographic location of the permit, and the address to which written comments may be sent. The applicant must also obtain appropriate performance bond coverage in an amount sufficient to cover the proposed operations. Once approved, the successor must notify the regulatory authority with jurisdiction of the consummation of the transfer, assignment, or sale or permit rights transaction.

State regulatory authorities are required to review each application for a transfer, assignment, or sale of permit rights and to determine if the applicant meets the criteria for approval under 30 CFR sections 773.12 or 773.15. State regulatory authorities also are required to collect written comments on an application for a transfer, assignment, or sale of permit rights, and notify permittees, successors, commenters, and OSM, where OSM is not the regulatory authority, of the permitting decision.

3. See Identical Responses to Statements.

4. See Identical Responses to Statements.

5. See Identical Responses to Statements.
6. Without the information collected in section 774.17(b), regulatory authorities are unable to make a permitting decision on an application for approval of a transfer, assignment, or sale of permit rights and thereby ensure that the proposed transfer, assignment, or sale meets all requirements of the regulatory program. Sections 774.17(d) and (e)(1) ensure that regulatory authorities make a determination on each application for a transfer, assignment, or sale of permit rights and notify OSM of the findings. The notice required under section 774.17(e)(2) that a transfer, assignment, or sale of permit rights has been consummated, allows regulatory authorities to ensure that an approved entity is operating a surface coal mining permit.

Since the information required under section 774.17 is collected only for the purposes of obtaining regulatory authority approval of a transfer, assignment, or sale of permit rights, less frequent collection of the information is not possible in order to comply with the provisions.

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

a. Burden Hour Estimates for Respondents

The following table shows the estimated burden hours for information collection from respondents as required under section 774.17. Data in the table is discussed below. Some calculations have been rounded.

Section	Permittee Responses	State Responses	Permittee Hours per Response	State Hours per Response	Total Hours
774.17(b)(1)	370	0	8	0	2,960
774.17(b)(2)	370	0	.75	0	278
774.17(d)(1)	0	360	0	8	2,880
774.17(e)(1)	0	360	0	.5	180
774.17(e)(2)	370	0	.5	0	185
TOTALS			9.25	8.5	6,483

The respondents in sections 774.17 are Federal and State permittees and State regulatory authorities. As a result of the proposed changes the requirement for when a permittee is required to respond to this section will be reduced in the number of permittee respondents and an equal reduction of State regulatory responses. In 2006, in preparation for this rule writing, our office conducted a data study on the impact of changing this requirement. We looked at the actual number of TAS actions for the 2004 year. We identified those actions into categories based on the event that created the requirement for a response in this section. In the proposed rule, changes in ownership, operators, and officers will no longer require a TAS action. A TAS action will only be required in the event of a change in permittee. Based on the results of that study we concluded that our proposed rule would reduce the number of TAS actions by just under 20% overall. In our previously approved request we estimated that there would be an average of 475 responses from applicants and 462 State responses. Based on the numbers from our study we found that there were 460 applicant responses for the 2004 year. We concluded that the change in the requirement under the proposed rule will reduce the number of respondents by approximately 20%. Therefore we now estimate that the number of applicant respondents will be approximately 370. (460 respondents under the current rule - @ 20% = 370. The ratio of applicant respondents to State and Federal respondents will remain the same.

The respondents in sections 774.17(b)(1), (b)(2), and (e)(2) are Federal and State permittees applying for a transfer, assignment, or sale of permit rights. The estimates of the required hours per response are unchanged from our previous request. However, because of the proposed changes there will be a reduction in respondents. We estimate the total burden hours for industry respondents for sections 774.17(b)(1), (b)(2), and (e)(2) to be 3,423 hours (370 responses x a total of 9.25 hours per response).

For sections 774.17(d) and (e)(1), the respondents are State regulatory authorities. The State regulatory authority burden under section 774.17 is to review each State application for a transfer, assignment, or sale of permit rights, collect comments on each application, and notify all parties of its permitting decision. The estimates for the required hours per response are unchanged from our previous request. Again, because of the proposed changes there will be a reduction in respondents. We estimate the total burden hours for State respondents to be 3,060 hours (360 responses x a total of 8.5 hours per response).

Therefore, the total burden for all respondents under section 774.17 is estimated to be 6,483 hours (3,423 hours for applicants + 3,060 hours for State regulatory authorities).

b. Estimated Wage Cost to Respondents

Using U.S. Department of Labor's Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_212100.htm) we estimate the following wage

costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.3 of hourly wages).:

Industry Wage Cost				
Position	Hour Burden per Response	Total Hours	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1.25	463	20	9,250
Mining Engineer	7	2,960	44	130,240
Operations Manager	1	370	59	21,830
Total	9.25	11,744		161,320

Therefore, the estimated total annual cost for industry respondents for section 774.17 is \$161,320.

Using U.S. Department of Labor’s Bureau of Labor statistics (http://www.bls.gov/oes/current/naics4_999200.htm#b00-0000) we estimate that the wage cost to physical scientists to review this section at the State regulatory authority is \$32 per hour (including benefits). Therefore, we estimate the annual cost to State governments for section 774.17 will be \$97,920 (360 applications for review x a total of 8.5 hours per review and notification x \$32 per hour).

Therefore, the total estimate wage cost for all respondents under section 774.15 is \$259,240 (\$161,320 for permittee respondents + \$97,920 for State respondents).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of section 774.17 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with section 774.17 in the absence of indication of problems. OSM estimates it will conduct an oversight review of section 774.17 in one State per year. OSM estimates the oversight review will require 40 hours. This estimate is

unchanged from our previous request. The annual average salary used to estimate the wage cost to the Federal Government is \$45 per hour for a GS 13 step 4 technician (including benefits and rounded). Therefore, OSM estimates the cost to the Federal government for oversight of section 774.17 will be \$1,800 (40 hours x \$45 per hour).

Federal Programs. OSM estimates it will annually receive 10 applications for a transfer, assignment, or sale of permit rights for which OSM, as the regulatory authority, has the burden of collecting comments, review, and notification. This estimate is based on data collected for the 2005 evaluation year. Despite the proposed changes this estimate is unchanged. In our data study we discovered that generally OSM's Federal programs were already employing the proposed standard for the determination of the need for a TAS action. We estimate OSM will require 8 hours to review each application and determine if the applicant meets the criteria for approval under section 774.17(d). We estimate OSM will require .5 hours to notify the permittee, successor, and commenters of its review findings under section 774.17(e)(1). The annual average salary used to estimate the wage cost is \$47 per hour. Therefore, we estimate the annual cost to OSM, where it is the regulatory authority, under section 774.17 to be \$3,825 (10 applications x a total of 8.5 hours per response x \$45 per hour).

Therefore, the estimated total annual cost to the Federal Government under section 774.17 is \$5,625 (\$1,800 for oversight + \$3,925 for Federal programs).

15. This information collection request estimates a decrease in use, as shown below.

	8,321 hours currently approved
-	<u>1,838</u> hours due to a program change
	6,483 hours requested

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