

# Supporting Statement for Paperwork Reduction Act Submission for 30 CFR 780

**OMB Control Number 1029-0036**

**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 83-1), 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.*

## **SUPPORTING STATEMENT FOR REPORTING AND RECORD KEEPING FOR 30 CFR PART 780**

### Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (“we” or OSM) to request information collection authority under 30 CFR Part 780 of the OSM permanent regulatory program. This regulation governs the minimum requirements for preparing Reclamation and Operation Plans to be submitted as part of a surface mining permit application package. The information collection for this part was previously approved by the Office of Management and Budget (OMB) and assigned clearance number 1029-0036.

Each section of Part 780 for which there is an information collection or record-keeping requirement is discussed separately. The responses to some items in the instructions for the supporting statement are identical for each section and these responses appear on pages 9-11 of this document.

The following tables summarize the basis for requested hours for 30 CFR Part 780.

**SUMMARY ANNUAL BURDEN TO RESPONDENTS FOR 30 CFR 780**

<b>SECTION</b>	<b>NUMBER OF APPLICANTS</b>	<b>NUMBER OF STATE RESPONSES</b>	<b>HOURS PER APPLICANT</b>	<b>HOURS PER STATE</b>	<b>TOTAL HOURS REQUESTED</b>	<b>HOURS CURRENTLY APPROVED</b>	<b>DIFFERENCE</b>
780.11	225	221	40	5	10,105	5,585	4,520
780.12	225	221	10	8	4,018	4,040	-22
780.13	225	221	56	10	14,810	5,560	9,250
780.14	225	221	145	32	39,697	18,200	21,497
780.15	1	1	6	2	8	8	0
780.16	225	221	72	8	17,968	4,550	13,418
780.18	225	221	90	70	35,720	35,350	370
780.21	225	221	257	70	73,295	55,750	17,545
780.22	225	221	149	40	42,365	22,750	19,615
780.23	225	221	159	10	37,985	7,600	30,385
780.25	225	221	123	25	33,200	14,155	19,045
780.27	225	221	28	5	7,405	14,000	-6,595
780.29	225	221	22	30	11,580	16,425	-4,845
780.31	225	221	8	6	3,126	4,305	-1,179
780.33	225	221	12	3	3,363	1,770	1,593
780.35	225	221	26	18	9,828	12,660	-2,832
780.37	225	221	30	10	8,960	8,875	85
780.38	225	221	25	5	6,730	3,545	3,185
<b>TOTAL</b>	<b>225</b>	<b>221</b>	<b>1258</b>	<b>357</b>	<b>360,163</b>	<b>235,128</b>	<b>125,035</b>

**NON-LABOR COST TO RESPONDENTS FOR 30 CFR PART 780**

<b>SECTION</b>	<b>NUMBER OF RESPONDENTS</b>	<b>COST PER RESPONDENT</b>	<b>TOTAL COSTS</b>	<b>CURRENTLY APPROVED TOTAL COST</b>	<b>DIFFERENCE</b>
780.11	225	\$50	11,250	12,750	(1,500)
780.12	225	\$50	11,250	12,750	(1,500)
780.13	225	\$100	22,500	25,500	(3,000)
780.14	225	\$120	27,000	30,600	(3,600)
780.15	1	\$20	20	20	0
780.16	225	\$125	28,125	31,875	(3,750)
780.18	225	\$1,000	225,000	255,000	(30,000)
780.21	225	\$3,000	675,000	765,000	(90,000)
780.22	225	\$3,050	686,250	777,750	(91,500)
780.23	225	\$25	5,625	6,375	(750)
780.25	225	\$400	90,000	102,000	(12,000)
780.27	225	\$25	5,625	6,375	(750)
780.29	225	\$145	32,625	36,975	(4,350)
780.31	225	\$400	90,000	102,000	(12,000)
780.33	225	\$30	6,750	7,650	(900)
780.35	225	\$260	58,500	66,300	(7,800)
780.37	225	\$50	11,250	12,750	(1,500)
780.38	225	\$25	5,625	6,375	(750)
	<b>TOTAL</b>	<b>\$8,875</b>	<b>1,992,395</b>	<b>2,258,000</b>	<b>(265,605)</b>

### **Identical Responses to Statements for All Sections of 30 CFR Part 780**

3. This information is unique to each applicant and mining area. Respondents are individual mining companies who apply for permits on an as-needed basis, and the State regulatory authorities (SRA's) who must review and approve the permit applications. OSM continues to work with SRA's and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in virtually all coal-producing states to use electronic and information technology to submit and receive permit applications which improve efficiency and reduce the time and cost burden to permit applicants and SRA's. OSM continues to actively support SRA's implementation of electronic permitting and other reports normally prepared and submitted on paper. OSM currently estimates that 33% of applications are received electronically, with some SRA's in the early stages of electronic exchange, while others receive 95% of permit applications on CD's or are directly downloaded to the State-run internet server. Applicants realize some cost reductions due to electronic submission of data through eliminating reproduction costs and postage.
4. The information requested under 30 CFR Part 780 is time-sensitive and unique to each site. Duplication is minimal to nonexistent. OSM is the only Federal agency charged with implementation of sections 507 and 508 of the Surface Mining Control and Reclamation Act (the Act or SMCRA).
5. There are no special regulatory provisions for small organizations. However, small organizations may be eligible for assistance under the Small Operators Assistance Program (SOAP) at 30 CFR Subchapter H, and assigned clearance number 1029-0061.
6. Information required in Part 780 provides the basis for SMCRA permitting decisions by SRA's. Information required under Part 780 is provided at the time of application and is, therefore, not collected on a periodic basis.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded. Generally, 3 copies are submitted by permit applicants to the SRA's. In States that promote electronic submissions, 1 to 3 CD's are submitted by applicants. In the Commonwealth of Virginia, applicants are encouraged to either submit an application on CD, or to complete the application using the State's website where drop-down menus and pre-populated hydrologic and geologic data are employed for convenience.

Where OSM is the regulatory authority, 3 paper or electronic copies are normally requested, one for review by OSM, one for the land management agency, and one to be maintained locally for public review.



OSM continues to strongly urge SRA's to request that permit applications be submitted through electronic means to reduce the number of copies and ease of review.

8. In July 2008, OSM contacted two engineering companies with experience in the preparation of surface coal mining applications to determine the burden placed on respondents by 30 CFR Part 780 of the Federal regulations. They were:

Claudio Yon  
Alliance Consulting  
124 Phillpot Lane  
Beaver, WV 25813  
(340) 255-0491

Jim Bentley  
Triad Environmental Services  
2000 E. Atkinson Avenue  
Pittsburg, KS 66762  
(620) 231-5660

Mr. Yon and Mr. Bentley provided estimates of the current burden per respondent of the Part 780 information requirements. In general both consultants had few comments and concerns during the collection process. One issue that should be noted is that permit requirements for large acre mines, obviously, require more burden hours to perform permit work than small 100 acre mines. Both consultants' estimates are based on average size mines that they work with in their region of the country.

On July 1, 2008, OSM published in the Federal Register (73 FR 37486) 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. No payments or gifts were made to respondents.
10. Not applicable. In general, confidential information is not provided. However, the permit applicant may request that certain portions of the application be held confidential for certain business or other reasons, such as coal reserves in the planned mining area or to protect the location of archeological resources on public and Indian lands. These requests are handled in accordance with the procedures provided for in §773.13(d).
11. Not applicable. Sensitive questions are not asked.

16. Not applicable. OSM has no plans to publish the information.
17. Not applicable.
18. Not applicable. There are no exceptions to the certification of the OMB 83-I.

## Supporting Statement for Reporting Requirements of § 780.11

### A. Justification

1. The regulations at 30 CFR § 780.11, in accordance with Sections 507(b)(7) and 508(a)(5) of the Act, require the permit applicant to provide a description of the mining operations to be conducted within the permit area that includes the type and method of coal mining techniques to be used and a narrative explaining construction, maintenance and use of facilities.
2. Paragraph (a) requires a narrative description of the mining methods, engineering techniques, and major equipment planned for use in the operation, and a description of the anticipated production of the mine.

Paragraph (b) requires a narrative description of the planned use of certain listed facilities, including construction, modification, maintenance, and removal of such facilities.

This information is necessary to enable the regulatory authority to evaluate the cumulative impact of the proposed operations on the resources of the area, including the hydrologic balance, land, vegetation, and fish and wildlife. In addition, this information will aid the regulatory authority in determining whether the applicant can meet the applicable performance standards.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:
  - a. Annual Respondent Burden:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and contacts with permit applicants, including those indicated in item 8 above, there were approximately 225 surface coal mining permit applications, with each applicant requiring 40 hours to complete this portion of the application. Therefore,

225 permit applications x 40 hours per response = 9,000 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 5 hours per review = 1,105 hours.

Total burden for all respondents is **10,105 hours**.

#### **b. Annual Wage Cost to Respondents:**

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	5	18.40	92
Engineering Technician	20	30.21	604
Mining Engineer	10	46.82	468
Operations Manager	5	63.72	319
Total	40		1,483

Therefore, the estimated total annual wage cost for each industry respondent for §780.11 is \$1,483. The total wage cost to all industry respondents is \$1,483 x 225 permits = \$333,675.

In addition, it takes 5 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State

employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.11 of each permit application is \$31 per hour x 5 hours = \$155. The total wage cost to all State regulatory authorities is \$155 x 221 permit applications = \$34,255.

Therefore, we estimate that the burden to all respondents is \$333,675 for industry + \$34,255 for State regulatory authorities = \$367,930.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Non-labor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 225 applications = \$11,250.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.11 in the absence of any indication of programmatic problems. Assuming that OSM conducts an oversight review of this topic in one State program per year and that each review requires an average of 40 hours, the annual cost to the Federal government for this oversight activity is \$1,880, assuming a GS 12/5 regulatory program specialist/engineer reviewing the application at \$47 per hour (including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)).

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits for lands and

operations for which OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of \$47 per hour as referenced above, the annual wage cost to the Federal government to review the narrative explaining construction, maintenance and use of facilities will be \$940 (4 findings x 5 hours per finding x \$47 per hour).

Total Federal Cost

\$ 1,880 Oversight  
+ \$ 940 Federal Programs  
\$ 2,820 Total Federal Cost

15. OSM estimates that 10,105 hours will be required annually to prepare the information required by § 780.11. This collection request results in an increase of 4,520 hours from the prior request due to an increase in respondent burden from 17 hours to 40 hours per industry response. This increase is offset somewhat by a reduction in responses, from 255 permit applications to 225. The burden estimate changes as follows:

5,585 Hours currently approved by OMB  
+ 4,520 Hours due to an adjustment  
10,105 Hours requested

Due to a reduction in total respondents, the total non-labor costs for this section is \$11,250, and has been reduced by \$1,500.

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

## Supporting Statement for Reporting Requirements of § 780.12

### A. Justification

1. 30 CFR § 780.12, in accordance with Sections 507(b)(13) of the Act, 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.
2. This regulation is necessary in order to put persons on notice of the effect of permitting and performance standards on existing structures. In the absence of such specific regulations, permit applicants would be required to submit for existing structures the information and plans required for new structures in order to demonstrate compliance with the performance and design criteria in Subchapter K. The purpose of this regulation is to require sufficient information to demonstrate that the permit applicant is either entitled to an exemption from reconstruction requirements, to ascertain the need for the existing structure, and to ensure performance standards are met for environmental and public health and safety concerns.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, including those indicated in item 8, there are approximately 225 surface mining permit applications submitted

annually, virtually all involving existing structures, with each applicant requiring approximately 10 hours to complete this portion of the application. Therefore,

$$225 \text{ permit applications} \times 10 \text{ hours per response} = 2,250 \text{ hours.}$$

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 8 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 8 hours per review = 1,768 hours.

Total burden for all respondents is **4,018 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	18.40	18
Engineering Technician	7	30.21	211
Mining Engineer	2	46.82	94
<b>Total</b>	<b>10</b>		<b>323</b>

Therefore, the estimated total annual wage cost for each industry respondent for \$780.12 is \$323. The total wage cost to all industry respondents is \$323 x 225 permits = \$72,675.

In addition, it takes 8 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in



the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.12 of each permit application is \$31 per hour x 8 hours = \$248. The total wage cost to all State regulatory authorities is \$248 x 221 permit applications = \$54,808.

Therefore, we estimate that the burden to all respondents is \$72,675 for industry + \$54,808 for State regulatory authorities = \$127,483.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 225 applications = \$11,250.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.12 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 40 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$1,880.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 8 hours to review each. At an average salary of \$47 per hour as referenced above, the annual wage cost to the Federal government to review the narrative on existing structures will be \$1,504 (4 applications x 8 hours per review x \$47 per hour).

Total Federal Cost

\$1,880 Oversight  
+ \$1,504 Federal Programs  
\$3,384 Total Federal Cost

15. OSM estimates that 4,018 hours will be required annually to prepare and review the information required by § 780.12. This represents a reduction of 22 hours due to a reduction in respondents. The burden estimate changes as follows:

4,040 Hours currently approved by OMB  
- 22 Hours due to an adjustment  
4,018 Hours requested

The total non-labor costs for this section is \$11,250, and has been reduced by \$1,500 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.13

### A. Justification

1. 30 CFR § 780.13, in accordance with Sections 507(g) of the Act, requires each applicant for a permit for surface coal mining and reclamation to submit a blasting plan that will meet the requirements of 515(b)(15). The plan must demonstrate understanding of such basic issues as schedules, preblast surveys, recordkeeping logs, distance restrictions, control of adverse effects of blasting, and use of trained, certified blasters. The applicant must also describe any system used to monitor compliance with the standards of Section 816.67 including the type, capability, and sensitivity of any blast-monitoring equipment and proposed procedures and locations of monitoring, and blasting near underground mines.
2. This plan provides the regulatory authority with information demonstrating how the applicant intends to comply with the performance standards. These standards establish limits for maximum airblast, flyrock, and ground vibration resulting from blasting. If it were not collected, there would be no way to comply with the law.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and ongoing contacts with permit applicants, there are approximately 225 permit applications with each

applicant requiring 56 hours to complete this portion of the application. Therefore,

225 blasting plans x 56 hours per respondent = 12,600 total hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 10 hours to review this section of the permit application. Therefore, we estimate the burden to State regulatory authorities is 221 mines x 10 hours per review = 2,210 hours.

Total burden for all respondents is **14,810 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	50	46.82	2,341
Operations Manager	6	63.72	382
Total	56		2,723

Therefore, the estimated total annual wage cost for each industry respondent for \$780.13 is \$2,723. The total wage cost to all industry respondents is \$2,723 x 225 permits = \$612,675.

In addition, it takes 10 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the

estimated total annual wage cost for State regulatory authorities to review §780.13 of each permit application is \$31 per hour x 10 hours = \$310. The total wage cost to all State regulatory authorities is \$310 x 221 permit applications = \$68,510.

Therefore, we estimate that the burden to all respondents is \$612,675 for industry + \$68,510 for State regulatory authorities = \$681,185.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

A nonlabor cost for each respondent of \$100 may be included for blasting plan costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$100 x 225 blasting plans = \$22,500.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.13 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits for lands and operations for which OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the blasting plans will be \$1,880 (4 plans x 10 hours per review x \$47 per hour).

Total Federal Cost

\$ 3,760 Oversight  
+ \$ 1,880 Federal Program  
\$ 5,640 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies OSM contacted as discussed in item 8. OSM estimates that 14,810 hours will be required annually to prepare the information required by § 780.13. This represents an increase of 9,250 hours due to a reestimate in respondent burden hours. The burden estimate changes as follows:

5,560 Hours currently approved by OMB  
+ 9,250 Hours due to an adjustment  
14,810 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$22,500, and has been reduced by \$3,000 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.14

### A. Justification

1. 30 CFR § 780.14, in accordance with Sections 507(b)(13) and (14) of the Act, requires each applicant to submit maps and plans of the proposed mine operation and adjacent areas.
2. Accurate maps and plans are needed by the regulatory authority to determine whether the applicant can meet the performance standards of Part 816. This information will give the regulatory authority an overview of the entire operation to supplement the information on plans for the proposed permit area. This information is necessary in order to assess the cumulative impacts of the entire mining operation, to ensure high quality planning and design required in the application. If the information were not collected, there would be no way to comply with the law.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and ongoing contacts with permit applicants, there are 225 surface coal mining permit applicants submitting the information, with each applicant requiring 145 hours to complete this portion of the application: 225 applications x 145 hours per respondent = 32,625 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 32 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 32 hours per review = 7,072 hours.

Total burden for all respondents is **39,697 hours**.

#### Annual Wage Cost to Respondent:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	8	18.40	147
Engineering Technician	100	30.21	3,021
Mining Engineer	35	46.82	1,639
Operation Manager	2	63.72	127
Total	145		4,934

Therefore, the estimated total annual wage cost for each industry respondent for \$780.14 is \$4,934. The total wage cost to all industry respondents is \$4,934 x 225 permits = \$1,110,150.

In addition, it takes 32 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review



§780.14 of each permit application is \$31 per hour x 32 hours = \$992. The total wage cost to all State regulatory authorities is \$992 x 221 permit applications = \$219,232.

Therefore, we estimate that the burden to all respondents is \$1,110,150 for industry + \$219,232 for State regulatory authorities = \$1,329,382.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$120 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$120 x 225 maps/plans = \$27,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.14 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 160 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$7,520.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits for lands and operations for which OSM is the regulatory authority, each requiring 32 hours to review. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the blasting plans will be \$6,016 (4 applications x 32 hours per review x \$47 per hour).

Total Federal Cost

\$7,520 Oversight  
+ \$6,016 Federal Programs  
\$13,536 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies discussed in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and from OSM offices that administer Federal programs. OSM estimates that 39,697 hours will be required annually to prepare the information required by § 780.14. This represents an increase of 21,497 hours due to a reestimate in respondent burden. The burden estimate changes as follows:

18,200 Hours currently approved by OMB  
+ 21,497 Hours due to an adjustment  
39,697 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$27,000, and has been reduced by \$3,600 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.15

### A. Justification

1. 30 CFR § 780.15, in accordance with Sections 507(b)(12), 508(a)(9), (14) and 515(b)(4) and 517 of the Act, requires the operator to establish an air quality monitoring program to evaluate the effectiveness of fugitive dust control practices. This monitoring program is required at all surface mining operations with a proposed production rate exceeding one million tons per year and located west of the 100<sup>th</sup> meridian west longitude.
2. This section is necessary to ensure that the operators are taking appropriate steps to stabilize and protect all exposed surface areas in order to effectively control erosion and resulting air pollution.

The requirement in § 780.15(b)(1) is collected at the discretion of the regulatory authorities for an applicant with a proposed production rate less than one million tons per year or located east of the 100<sup>th</sup> meridian and is not mandated by these regulations. The requirement in § 780.15(b)(2) is covered under the performance standards contained in 816.95.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Operators and Permittees***

Based on the Fiscal Year 1999 through 2007 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, an average of 1

permit application per year is approved meeting the requirements of this section.

Each applicant requires 6 hours to complete this portion of the application. Therefore,

1 respondent x 1 response per respondent x 6 hours per response = 6 total hours.

***Burden on State Regulatory Authorities***

The State regulatory authority requires 2 hours to review the air quality monitoring programs for lands and operations under this section. Therefore, we estimate that the burden to State regulatory authorities is 1 mine x 2 hours per review = 2 hours.

Total burden for all respondents is **8 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	6	46.82	281
Total	6		281

Therefore, the estimated total annual wage cost for all industry respondents for §780.15 is \$281.

In addition, it takes 2 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at

[http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.15 of each permit application is \$31 per hour x 2 hours = \$62. The total wage cost to all State regulatory authorities is \$62 x 1 permit application = \$62.

Therefore, we estimate that the burden to all respondents is \$281 for industry + \$62 for State regulatory authorities = \$343.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$20 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$20 x 1 application = \$20.

b. Operation, Maintenance and Services:

Operations and maintenance costs are associated with requirements found in 30 CFR 816.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.15 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 20 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$940.

Federal Programs: Based upon data collected in 1999 through 2007, OSM anticipates receiving 1 new permit application per year that contain air quality monitoring programs for lands and operations over which OSM is the regulatory authority, requiring 2 hours for review. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the blasting plans will be \$94 (1 application x 2 hours per review x \$47 per hour).

Total Federal Cost

	\$ 940	Oversight
+	\$ 94	Federal Programs
	\$1,034	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by companies contacted in recent years regarding burden hours to establish air quality monitoring programs. The number of respondents was based on new permits issued in areas west of the 100<sup>th</sup> meridian west longitude summarized in OSM's 1999 through 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices which administer Federal programs. OSM estimates that 6 hours will be required annually to prepare the information required by § 780.15, and 2 hours for the State to review. Therefore, this request does not change the currently approved burden estimate of 8 hours.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.

## Supporting Statement for Reporting Requirements of § 780.16

### A. Justification

1. 30 CFR § 780.16, in accordance with Sections 508(a)(13) of the Act, requires a plan of how the operator will minimize disturbances and adverse impacts to fish, wildlife and related environmental values and achieve enhancement, where applicable. Maps showing each facility to be used to protect and enhance fish and wildlife and locations of wildlife monitoring points shall be included.
2. This information is needed by the regulatory authority to ensure minimal disturbance and adverse impacts on fish and wildlife and related environmental values during the mining activities. If it were not collected, there would be no way to comply with the law.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, information received by respondents identified in item 8, there are 225 permit applications with each applicant requiring 72 hours to complete this portion of the application. Therefore,

225 permit applications x 72 hours per response = 16,200 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 8 hours to review the air quality monitoring programs for lands and operations under this section. Therefore, we estimate that the burden to State regulatory authorities is 221 applications x 8 hours per review = 1,768 hours.

Total burden for all respondents is **17,968 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	8	18.40	147
Environmental Technician	40	30.21	1,208
Environmental Engineer	22	46.82	1,030
Operations Manager	2	63.72	127
<b>Total</b>	<b>72</b>		<b>2,512</b>

Therefore, the estimated total annual wage cost for each industry respondent for \$780.16 is \$2,512. The total wage cost to all industry respondents is \$2,512 x 225 permits = \$565,200.

In addition, it takes 8 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review



\$780.16 of each permit application is  $\$31 \text{ per hour} \times 8 \text{ hours} = \$248$ . The total wage cost to all State regulatory authorities is  $\$248 \times 221 \text{ permit applications} = \$54,808$ .

Therefore, we estimate that the burden to all respondents is  $\$565,200$  for industry +  $\$54,808$  for State regulatory authorities =  $\$620,008$ .

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$125 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be  $\$125 \times 225 \text{ applications with fish and wildlife plans} = \$28,125$ .

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.16 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits with fish and wildlife plans where OSM is the regulatory authority, requiring 8 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the plans will be \$1,504 (4 plans x 8 hours per review x \$47 per hour).

Total Federal Cost

\$ 3,760 Oversight  
+ \$ 1,504 Federal Programs  
\$ 5,264 Total Federal Cost

15. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and from OSM offices that administer Federal programs. OSM estimates that 17,968 hours will be required annually to complete the information required by § 780.16. The increase in total hours is a result of a reestimate in respondent burden. Therefore, this request will increase burden hours as follows:

4,550 Hours currently approved by OMB  
+ 13,418 Hours due to an adjustment  
17,968 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$28,125, and has been reduced by \$3,750 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.18

### A. Justification

1. 30 CFR § 780.18, in accordance with Sections 507(b), 508(a), and 515(b) of the Act, requires that each application shall contain a plan detailing reclamation of the lands within the proposed permit area to be submitted by the permit applicant.
2. Detailed information is required to enable the regulatory authority to determine whether the proposed mining operation will be conducted in compliance with the performance standards contained in Subchapter K of these regulations and to make the findings required to issue a permit. The required information includes a detailed timetable for the completion of each major step in the reclamation plan and a detailed estimate of the cost of reclamation together with supporting calculations, and is necessary for the regulatory authority to determine the amount of the bond. Information includes plans for spoil handling, soil replacement, revegetation, conservation of the coal resource, acid/toxic material handling, combustible material handling, sealed or managed mine openings complying with the Clean Air Act and the Clean Water Act.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, information received by respondents identified in item 8, there were 225 permit applications submitted.

Applicants will require, on average, 90 hours to complete this section of the permit application. Therefore, 225 permit applications x 90 hours per response = 20,250 hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 70 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 70 hours per review = 15,470 hours.

Total burden for all respondents is **35,720 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	10	18.40	184
Environmental Technician	45	30.21	1,359
Environmental Engineer	30	46.82	1,405
Operations Manager	5	63.72	319
<b>Total</b>	<b>90</b>		<b>3,267</b>

Therefore, the estimated total annual wage cost for each industry respondent for §780.18 is \$3,267. The total wage cost to all industry respondents is \$3,267 x 225 permits = \$735,075.

In addition, it takes 70 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from

the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.18 of each permit application is \$31 per hour x 70 hours = \$2,170. The total wage cost to all State regulatory authorities is \$2,170 x 221 permit applications = \$479,570.

Therefore, we estimate that the burden to all respondents is \$735,075 for industry + \$479,570 for State regulatory authorities = \$1,214,645.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$1,000 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$1,000 x 225 applications = \$225,000.

b. Operation, Maintenance and Services

Not applicable. Costs are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.18 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 160 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/gs\\_h.asp](http://www.opm.gov/oca/08tables/html/gs_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$7,520.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority, requiring 70 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the reclamation plans will be \$13,160 (4 plans x 70 hours per review x \$47 per hour).

Total Federal Cost

\$ 7,520 Oversight  
+ \$ 13,160 Federal Programs  
\$ 20,680 Total Federal Cost

15. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs. OSM estimates that 35,720 hours will be required annually to prepare the information required by § 780.18. This represents a slight increase due to a reduction in respondents and a reestimate in respondent burden. Therefore, this request increases the burden hours as follows:

35,350 Hours currently approved by OMB  
+ 370 Hours due to an adjustment  
35,720 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$225,000, and has been reduced by \$30,000 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.21

### A. Justification

1. 30 CFR § 780.21, in accordance with Sections 507(b)(11) and (14), 508(a)(3), 516(b)(4), (9), and (12), 517(b)(2), and 717(b) of the Act, requires the collection and analysis of hydrologic information by the applicant. This information is needed for the regulatory authority to determine whether the proposed mining operation will be conducted in compliance with the performance standards contained in Subchapter K of these regulations and to make the necessary findings to issue a permit. This section specifies the information used to gain an understanding of conditions as they exist prior to mining so that changes can be predicted prior to mining and detected throughout the life of the operation. Collection of this information allows steps to be taken to minimize impacts and to plan for remedial and restorative measures.

2. Use of information required by each specific paragraph of this section is as follows:

Paragraph (b) -- This paragraph requires an applicant to provide baseline hydrologic information, including the location and ownership of existing wells, springs, and other ground-water resources, seasonal quality and quantity of ground water, and usage; the name, location, ownership and description of all surface-water bodies, the location of discharge areas into any surface-water body, surface-water quality and quantity, and data sufficient to demonstrate seasonal variation and water usage.

Paragraph (e) -- This paragraph requires the applicant to provide information on alternative water supplies if the hydrologic analysis shows that the existing sources of ground water or surface water that are being used prior to mining may be contaminated, interrupted or reduced as a result of the proposed mining operation.

Paragraph (f) -- This paragraph requires the applicant to make a determination of the probable hydrologic consequences upon the quantity and quality of ground water and surface water under seasonal flow in the proposed permit and adjacent areas. This determination is a predictive estimate of potential impacts on the hydrologic balance. It will be used by the regulatory authority to evaluate whether the operation has been designed to minimize disturbances to the hydrologic balance both within and outside the permit area and to prevent material damage to the hydrologic balance outside the point area.

Information collected during baseline studies, surface - and ground-water inventories and modeling exercises, with supplemental information, if necessary would be used by the applicant and the regulatory authority to predict probable

hydrologic impacts. This assessment will be used by the applicant to design the mining operation and reclamation plans, to protect the water rights of others and by the regulatory authority as part of the cumulative hydrologic impact assessment. This information is not collected by other Federal agencies.

Paragraph (h) -- This paragraph requires the applicant to submit information to the regulatory authority regarding hydrology reclamation plans for protection of the hydrologic balance during the conduct of mining and reclamation activities. This plan must contain maps and descriptions indicating the steps to be taken during mining and reclamation through bond release to meet the requirements of the performance standards. This information is needed to assure that the operation will have a minimal impact on the hydrologic balance, that the protection of water rights of others is assured and that all performance standards have been considered and will be met. This information is site-specific for each individual mining operation and is generally not collected by other Federal agencies. This information is required of all mining operations.

Paragraph (i) and (j) -- These paragraphs require the mine operator to develop, with qualifications, a ground- and surface-water monitoring plan for the proposed mining operation and to submit periodic monitoring data to the regulatory authority. This monitoring information is mine-specific and would not generally be available elsewhere. This information is necessary to:

- o ensure that steps have been taken to protect the hydrologic balance,
- o detect changes in surface or ground-water quality and quantity and implement remediation plans, if necessary, and
- o assure that a permitted mine operates in compliance with the Act, regulations and the terms of the permit.

3. See Identical Responses to Statements.
4. Some of this information may be available through other Federal and State agencies and may be submitted in the respondent's application, if applicable.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.



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

***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, there were 225 permit applicants who prepared this information, with each applicant requiring 257 hours to complete this portion of the application.

225 permit applications x 257 hours per response = 57,825 total hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 70 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 70 hours per review = 15,470 hours.

Total burden for all respondents is **73,295 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	17	18.40	313
Earth Drillers	155	28.39	4,400
Geological Engineer	80	47.84	3,827
Operations Manager	5	63.72	319
<b>Total</b>	<b>257</b>		<b>8,859</b>

Therefore, the estimated total annual wage cost for each industry respondent for §780.21 is \$8,859. The total wage cost to all industry respondents is \$8,859 x 225 permits = \$1,993,275.

In addition, it takes 70 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.21 of each permit application is \$31 per hour x 70 hours = \$2,170. The total wage cost to all State regulatory authorities is \$2,170 x 221 permit applications = \$479,570.

Therefore, we estimate that the burden to all respondents is \$1,993,275 for industry + \$479,570 for State regulatory authorities = \$2,472,845.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$3,000 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$3,000 x 225 applications = \$675,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.21 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 500 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits;

[http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$23,500.

**Federal Programs:** Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority, requiring 70 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the plans will be \$13,160 (4 plans x 70 hours per review x \$47 per hour).

Total Federal Cost

\$ 23,500 Oversight  
+ \$ 13,160 Federal Programs  
\$ 36,660 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and from OSM offices which administer Federal programs. OSM estimates that 73,295 hours will be required annually to prepare the information required by § 780.21. This represents an increase of 17,545 hours due to a re-estimation of the hours per response. Therefore, this request increases the burden as follows

55,750 Hours currently approved by OMB  
+ 17,545 Hours due to an adjustment  
73,295 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$675,000, and has been reduced by \$90,000 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.22

### A. Justification

1. 30 CFR § 780.22, in accordance with Sections 507(b)(11), (14) and (15), and 508 (a)(13) of the Act, requires geologic information for surface mining and reclamation operations. Collection and analysis of geologic information by the applicant and the regulatory authority is necessary to determine the probable hydrologic consequences of the operations and any potentially acid- or toxic-forming substances that may affect the quality of the groundwater.
2. The information collected by the applicant is used in the preparation of the permit application package, whose contents are evaluated by the regulatory authority. The written record is used by the regulatory authority to verify that water quality will not be damaged by the mining operation. The use of the information or records required by each paragraph is as follows:

Paragraph (b) -- Information on the area and structural geology and the lithology of the strata in the permit area and potentially impacted off-site areas is used in relation to studies of the impact of surface mining and reclamation operations on ground water. Information from cross sections, maps, plans, test borings, core samples, and chemical analyses is used in the narrative description of the geology within the permit area, also in relation to studies of the impact of surface mining and reclamation operations on ground water.

Paragraph (c) -- Information from samples from deeper test borings or drill cores or from areas outside the permit area is also used to evaluate the impact of surface mining and reclamation operations on ground water.

Paragraph (d) -- The written finding is made by the regulatory authority to authenticate the fact that there is already available adequate information regarding the test borings and core samples necessary to grant the applicant a waiver.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.

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

***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, information received from the respondents identified in item 8 and ongoing contacts with permit applicants. There are 225 permit applicants with each applicant requiring approximately 149 hours to complete this portion of the permit application. Therefore,

225 permit applications x 149 hours per respondent = 33,525 total hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 40 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 40 hours per review = 8,840 hours.

Total burden for all respondents is **42,365 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	9	18.40	166
Samplers	80	21.38	1,710
Geological Engineer	58	47.84	2,775
Operations Manager	2	63.72	127
<b>Total</b>	<b>149</b>		<b>4,778</b>

Therefore, the estimated total annual wage cost for each industry respondent for §780.22 is \$4,778. The total wage cost to all industry respondents is \$4,778 x 225 permits = \$1,075,050.

In addition, it takes 40 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.22 of each permit application is \$31 per hour x 40 hours = \$1,240. The total wage cost to all State regulatory authorities is \$1,240 x 221 permit applications = \$274,040.

Therefore, we estimate that the burden to all respondents is \$1,075,050 for industry + \$274,040 for State regulatory authorities = \$1,349,090.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$3,050 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the total cost to all respondents would be \$3,050 x 225 applications = \$686,250.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.22 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review

of this topic in one State program per year and that each review requires an average of 200 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$9,400.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority, requiring 40 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the plans will be \$7,520 (4 plans x 40 hours per review x \$47 per hour).

Total Federal Cost

	\$ 9,400	Oversight
+	\$ 7,520	Federal Programs
	\$ 16,920	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual report addressing the States' administration of their regulatory programs and from OSM offices which administer Federal programs. OSM estimates that 42,365 hours will be required annually to prepare the geologic data required by § 780.22. Therefore, this request increases the burden as follows:

	22,750	Hours currently approved by OMB
+	19,615	Hours due to an adjustment
	42,365	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$686,250 and has been reduced by \$91,500 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.23

### A. Justification

1. § 780.23 fulfills SMCRA Section 508(a)(2)(A), (B), and (C), (a)(3), and (a)(4) by requiring information on the applicant's reclamation plan, including postmining land uses, land use information, premining environmental resource information, vegetation information, and cross sections, maps, and plans regarding the presentation of premining slopes.

2. The uses of the information in § 780.23 required by each of the specific paragraphs of this section are as follows:

(a) and (b) - This information is designed to aid the regulatory authority in making decisions on proposed postmining land use. The analysis required should discuss and compare the information required to be submitted under sections dealing with land use information and general reclamation requirements. This will provide the basis for a complete evaluation of the projected impacts of proposed mining and reclamation on the land-use capabilities of the area affected.

(c) - This section requires the application to include the surface owner's and local government land agency's comments on the proposed use of the land. Information from this section is used by the regulatory authority to evaluate the proposed postmining land uses and to assess the compatibility of the proposed land use with the existing land use policies and plans.

3. See Identical Responses to Statements.

4. See Identical Responses to Statements.

5. See Identical Responses to Statements.

6. See Identical Responses to Statements.

7. See Identical Responses to Statements.

8. See Identical Responses to Statements.

9. See Identical Responses to Statements.

10. See Identical Responses to Statements.

11. See Identical Responses to Statements.



12. Burden Estimates:

***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and the information provided by the companies identified in item 8, there were 225 permit applications submitted, with each applicant requiring approximately 159 hours to prepare the reclamation plan, depending on the acreage of the proposed mine site. Therefore,

225 respondents x 159 hours per response = 35,775 total hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 SRA's have jurisdiction over 221 of the 225 mines, and they require 10 hours to review this section. Therefore, we estimate that the burden to SRA's is 221 mines x 10 hours = 2,210 hours.

Total burden for all respondents is **37,985 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	23	18.40	423
Environmental Technician	80	30.21	2,417
Environmental Engineer	40	46.82	1,873
Operations Manager	16	63.72	1,020
Total	159		5,733

Therefore, the estimated total annual wage cost for each industry respondent for \$780.23 is \$5,733. The total wage cost to all industry respondents is \$5,733 x 225 permits = \$1,289,925.

In addition, it takes 10 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.23 of each permit application is \$31 per hour x 10 hours = \$310. The total wage cost to all State regulatory authorities is \$310 x 221 permit applications = \$68,510.

Therefore, we estimate that the burden to all respondents is \$1,289,925 for industry + \$68,510 for State regulatory authorities = \$1,358,435.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$25 x 225 applications = \$5,625.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.23 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 160 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$7,520.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will

annually receive approximately 4 applications for new permits where OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the plans will be \$1,880 (4 plans x 10 hours per review x \$47 per hour).

Total Federal Cost

\$ 7,520 Oversight  
+ \$ 1,880 Federal Programs  
\$ 9,400 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs. OSM estimates that 37,985 hours will be required annually to prepare the information required by § 780.23. This represents an increase of 30,385 hours due to a re-estimation of burden hours per respondent. Therefore, this request changes the burden as follows:

7,600 Hours currently approved by OMB  
+ 30,385 Hours due to an adjustment  
37,985 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$5,625, and has been reduced by \$750 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.25

### A. Justification

1. 30 CFR § 780.25, in accordance with Sections 507(b)(14), 508(a), 510(b), 515(b) (8), (10), (11), (21), and (f) of the Act, requires the submission of detailed design plans for each proposed water-holding structure and facility. These plans, which cover the construction, operation, maintenance and removal of the proposed facilities, are needed to provide the regulatory authority with comprehensive and reliable information on each structure.
2. The information of records required by each specific paragraph of this section is used as follows:

Paragraph (a) -- this paragraph requires a general plan and a detailed design plan for all water-holding facilities, e.g., sedimentation ponds, waste banks or dams, and water impoundments. Each plan must be prepared and certified by designated professionals. The information is used by the regulatory authority to analyze the effect of the structures on human safety, property and the environment and to see that these values are properly protected.

Paragraph (b) specifies the design and plan requirements that must be submitted for permanent and temporary impoundments that are included in the design plan. These plans are to be reviewed in every case by the regulatory authority to determine that the impoundments meet the performance standards of Section 515(b)(8) of the Act and that the structures are safe.

Paragraph (d) specifies the design and plan requirements that must be submitted for coal waste banks. These plans are reviewed in every case by the regulatory authority to determine that the structure is stable and are not a hazard to the environment.

Paragraph (e) specifies the design and plan requirements for coal processing waste dams and embankments. This includes the results of a geotechnical investigation of the proposed dam or embankment foundation area. The results of the foundation investigation are used by the regulatory authority to assure the ability of the site to support the structure and that the structure is safely constructed to protect the public.

Paragraph (f) specifies the requirement to include a stability analysis for each water-holding structure that is 20 feet or higher or impounds more than 20 acres of water. This information is needed by the regulatory authority to review and approve the final design of the structure. The regulatory authority also needs the information in order to have a full understanding of the project and to determine the safety, adequacy, and suitability of the final design before granting approval

of the design.

3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

#### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, there were 225 respondents, with each applicant requiring an average of 123 hours to complete this portion of the permit application. Therefore,

225 respondents x 123 hours per response =27,675 total hours.

#### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 25 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 25 hours per review = 5,525 hours.

Total burden for all respondents is **33,200 hours**.

#### Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	16	18.40	294
Engineering Technician	44	30.21	1,329
Mining Engineer	60	46.82	2,809
Operations Manager	3	63.72	191
<b>Total</b>	<b>123</b>		<b>4,623</b>

Therefore, the estimated total annual wage cost for each industry respondent for \$780.25 is \$4,623. The total wage cost to all industry respondents is \$4,623 x 225 permits = \$1,040,175.

In addition, it takes 25 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.25 of each permit application is \$31 per hour x 25 hours = \$775. The total wage cost to all State regulatory authorities is \$775 x 221 permit applications = \$171,275.

Therefore, we estimate that the total wage cost to all respondents is \$1,040,175 for industry + \$171,275 for State regulatory authorities = \$1,211,450.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$400 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$400 x 225 applications =

\$90,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.25 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 300 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$14,100.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour for 25 hours of review for each, the annual wage cost to the Federal government to review the plans will be \$4,700 (4 applications x \$47 x 25 hours).

Total Federal Cost

	\$ 14,100	Oversight
+	\$ 4,700	Federal Programs
	\$ 18,800	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices that administer Federal programs. OSM estimates that 33,200 hours will be required annually to prepare the information required by § 780.25. This represents an increase of 19,045 hours due to an increase in the burden hours per response. Therefore, this request changes the burden as follows:

	14,155	Hours currently approved by OMB
+	19,045	Hours due to an adjustment
	33,200	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$90,000, and has been reduced by \$12,000 due to the reduction in use.

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



## Supporting Statement for Reporting Requirements of § 780.27

### A. Justification

1. 30 CFR § 780.27, in accordance with Sections 507(b)(14) and 515(b)(12) of Act, requires surface mine operators, mining within 500 feet of an underground mine, to file an application describing the measures to be used to protect the underground mine workings in comply with the performance standards contained in 30 CFR 816.79.
2. This information is the basis for the regulatory authority to ensure compliance with the requirement of 30 CFR 816.79.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, there are 225 permit applications with each applicant requiring 28 hours to complete this portion of the application. Therefore,

225 respondents x 28 hours per response = 6,300 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 5 hours per review = 1,105 hours.

Total burden for all respondents is **7,405 hours**.

#### Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	4	18.40	74
Mining Engineer	16	46.82	749
Operations Manager	8	63.72	510
Total	28		1,333

Therefore, the estimated total annual wage cost for each industry respondent for \$780.27 is \$1,333. The total wage cost to all industry respondents is \$1,333 x 225 permits = \$229,925.

In addition, it takes 5 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.27 of each permit application is \$31 per hour x 5 hours = \$155. The total wage cost to all State regulatory authorities is \$155 x 221 permit applications =

\$34,255.

Therefore, we estimate that the burden to all respondents is \$448,875 for industry + \$34,255 for State regulatory authorities = \$483,130.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$25 x 225 applications = \$5,625.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.27 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 40 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$1,880.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour for 5 hours of review per application, the annual wage cost to the Federal government to review the plans will be \$940 (4 applications x \$47 x 5 hours).

Total Federal Cost

	\$ 1,880	Oversight
+	\$ 940	Federal Programs
	\$ 2,820	Total Federal Cost

15. The information collection burden estimate per respondent is based on the

information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and from OSM offices that administer Federal programs. OSM estimates that 7,405 hours will be required annually to prepare the information required by § 780.27. This represents a decrease of 6,595 hours due to a reestimate in respondent burden, and a reduction in use. Therefore, this request reduces the burden as follows:

14,000	Hours currently approved by OMB
- <u>6,595</u>	Hours due to an adjustment
7,405	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$5,625 which is a reduction of \$750 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.29

### A. Justification

1. 30 CFR § 780.29, in accordance with Sections 507(b)(7) and 508(a)(5) of the Act, requires a description of diversions to be constructed within the proposed permit area to enable the regulatory authority to determine how stream channels, overland flow, and shallow ground-water flow will be controlled.
2. This information is needed by the regulatory authority to determine the methods used by the applicant in the construction of diversions to control stream channels, overland, and shallow ground water flow. This will provide information to the regulatory authority to determine if proposed diversions are in compliance with applicable regulations.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, and information received from respondents identified in item 8, there are 225 permit applications with each applicant requiring 22 hours to complete this section of the application. Therefore,

225 respondents x 22 hours per response = 4,950 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 225 of the 221 mines mentioned above, requiring 30 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 30 hours per review = 6,630 hours.

Total burden for all respondents is **11,580 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	2	18.40	37
Mining Engineer	18	46.82	843
Operations Manager	2	63.72	127
<b>Total</b>	<b>22</b>		<b>1,007</b>

Therefore, the estimated total annual wage cost for each industry respondent for §780.29 is \$1,007. The total wage cost to all industry respondents is \$1,007 x 225 permits = \$226,575.

In addition, it takes 30 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor’s Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.29 of each permit application is \$31 per hour x 30 hours = \$930. The total wage cost to all State regulatory authorities is \$930 x 221 permit applications = \$205,530.

Therefore, we estimate that the burden to all respondents is \$226,575 for industry + \$205,530 for State regulatory authorities = \$432,105.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$145 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$145 x 225 applications = \$32,625.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.29 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 60 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$2,820.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour for 30 hours per review, the annual wage cost to the Federal government to review the plans will be \$5,640 (4 applications x \$47 x 30 hours).

Total Federal Cost

\$ 2,820	Oversight
+ \$ 5,640	Federal Programs
\$ 8,460	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of

respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices that administer Federal programs. OSM estimates that 11,580 hours will be required annually to prepare the information required by § 780.29. This represents a decrease of 4,845 hours due to a reduction in burden hours per response and a reduction in use. Therefore, this request changes the burden as follows:

16,425	Hours currently approved by OMB
- <u>4,845</u>	Hours due to an adjustment
11,580	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$32,625, and has been reduced by \$4,350 due to the reduction in use.

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



## Supporting Statement for Reporting Requirements of § 780.31

### A. Justification

1. 30 CFR § 780.31, in accordance with Sections 522(e)(1), (2), and (3) of the Act, requires the permit applicant to describe measures to minimize or prevent adverse impacts to national forests, public parks and historic places.
2. This information will enable the regulatory authority to determine whether coal mining would adversely affect a publicly owned park or any publicly owned place included in the National Register of Historic Places. If such a park or historical place were affected, the regulatory authority would notify the agency with jurisdiction over that park or place to review and approve/disapprove a permit for the coal mining operation.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, there are 225 permits with each applicant requiring 8 hours to complete this portion of the application. Therefore,

225 respondents x 8 hours per response = 1,800 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 6 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 6 hours per review = 1,326 hours.

Total burden for all respondents is **3,126 hours**.

#### Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Environmental Technician	7	30.21	211
Operations Manager	1	63.72	64
Total	8		275

Therefore, the estimated total annual wage cost for each industry respondent for \$780.31 is \$275. The total wage cost to all industry respondents is \$275 x 225 permits = \$61,875.

In addition, it takes 6 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.31 of each permit application is \$31 per hour x 6 hours = \$186. The total wage cost to all State regulatory authorities is \$186 x 221 permit applications =

\$41,106.

Therefore, we estimate that the burden to all respondents is \$61,875 for industry + \$41,106 for State regulatory authorities = \$102,981.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$400 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$400 x 225 applications = \$90,000.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.31 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour for 6 hours per review, the annual wage cost to the Federal government to review the plans will be \$1,128 (4 applications x \$47 x 6 hours).

Total Federal Cost

\$ 3,760	Oversight
+ \$ 1,128	Federal Programs
\$ 4,888	Total Federal Cost

15. The information collection burden estimate per respondent is based on the

information provided by companies that filed applications addressing this section. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices that administer Federal programs. OSM estimates that 3,126 hours will be required annually to prepare the information required by § 780.31. This represents a decrease due to a reduction in use and a reduction in burden hours per response. Therefore, this request changes the burden as follows:

	4,305	Hours currently approved by OMB
-	<u>1,179</u>	Hours due to an adjustment
	3,126	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$90,000, and has been reduced by \$12,000 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements of § 780.33

### A. Justification

1. 30 CFR § 780.33, in accordance with Sections 507(b)(13) and 522(e) of the Act, requires each application to describe with appropriate maps and cross sections the measures to be used to protect public roads in the permit area.
2. This information is necessary for the regulatory authority to ensure that the rights of present users and nearby landowners affected are protected where there is a public road relocation, the construction of a new road, or mining activity within 100 feet of public roads.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and information received from respondents identified in item 8, there are 225 permit applications, with each applicant requiring 12 hours to complete this portion of the application. Therefore,

225 respondents x 12 hours per response = 2,700 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 3 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 3 hours per review = 663 hours.

Total burden for all respondents is **3,363 hours**.

#### Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	10	46.82	468
Operations Manager	2	63.72	127
Total	12		595

Therefore, the estimated total annual wage cost for each industry respondent for §780.33 is \$595. The total wage cost to all industry respondents is \$595 x 225 permits = \$133,875.

In addition, it takes 3 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.33 of each permit application is \$31 per hour x 3 hours = \$93. The total wage cost to all State regulatory authorities is \$93 x 221 permit applications = \$20,553.

Therefore, we estimate that the burden to all respondents is \$133,875 for industry + \$20,553 for State regulatory authorities = \$154,428.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$30 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$30 x 225 applications = \$6,750.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.33 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 40 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/gs\\_h.asp](http://www.opm.gov/oca/08tables/html/gs_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$1,880.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the 4 plans at 3 hours per review will be \$564 (4 applications x \$47 x 3 hours).

Total Federal Cost

\$ 1,880	Oversight
+ \$ 564	Federal Programs
\$ 2,444	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by prior discussions with respondents. The number of

respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices which administer Federal programs. OSM estimates that 3,363 hours will be required annually to prepare the information required to protect public roads in § 780.33. This represents an increase of 1,593 hours due to an increase in hours per response. Therefore, this request changes the burden as follows:

	1,770	Hours currently approved by OMB
+	<u>1,593</u>	Hours due to an adjustment
	3,363	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$6,750, and has been reduced by \$900 due to the reduction in use.

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



## Supporting Statement for Reporting Requirements of § 780.35

### A. Justification

1. 30 CFR § 780.35, in accordance with Sections 508(a)(5) and 516(b)(4) of the Act, requires a showing of the engineering techniques proposed to be used in mining and reclamation which includes the disposal of excess spoil. Section 515(b)(22) requires that all excess spoil material be placed to assure mass stability and to prevent mass movement of the material.
2. These plans and engineering techniques are needed so that the regulatory authority is provided with comprehensive and reliable information on each structure. The regulatory authority must evaluate the results of each geotechnical investigation, fill design, design of rock-toe buttresses on key-way cuts and other permit information to see that the disposal facility is properly designed and consistent with engineering and environmental standards. The information is needed to determine that the fill is properly designed and will not present an environmental and public safety hazard.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Burden Estimates:

### ***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and information provided by the companies identified in item 8, there are 225 permit applications with each applicant requiring 26 hours to complete the excess spoil disposal information.

225 respondents x 26 hours per response = 5,850 total hours.

### ***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above requiring 18 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 18 hours per review = 3,978 hours.

Total burden for all respondents is **9,828 hours**.

### Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

#### **Industry Wage Cost**

Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	20	46.82	936
Operations Manager	6	63.72	382
Total	26		1,318

Therefore, the estimated total annual wage cost for each industry respondent for §780.35 is \$1,318. The total wage cost to all industry respondents is \$1,318 x 225 permits = \$296,550.

In addition, it takes 18 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review

\$780.35 of each permit application is \$31 per hour x 18 hours = \$558. The total wage cost to all State regulatory authorities is \$558 x 221 permit applications = \$123,318.

Therefore, we estimate that the burden to all respondents is \$296,550 for industry + \$123,318 for State regulatory authorities = \$419,868.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$260 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$260 x 225 applications = \$58,500.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.35 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the 4 plans at 20 hours per review will be \$3,760 (4 applications x \$47 x 20 hours).

Total Federal Cost

\$ 3,760 Oversight  
+ \$ 3,760 Federal Programs

\$ 7,520 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices that administer Federal programs. OSM estimates that 9,828 hours will be required annually to prepare the information required by § 780.35. This represents a decrease of 2,832 hours due to a reduction in use as well as a reduction in hours per response. Therefore, this request changes the burden as follows:

	12,660	Hours currently approved by OMB
-	<u>2,832</u>	Hours due to an adjustment
	9,828	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$58,500, and has been reduced by \$7,800 due to the reduction in use.

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

## Supporting Statement for Reporting Requirements for § 780.37

### A. Justification

1. Sections 507(b)(14), 508(a) and 510(b) of the Act require the submission of a complete mining and reclamation plan showing the locations of each facility and the land to be affected so the regulatory authority can determine the feasibility of the proposed plan to meet the performance standards of Sections 515(b) (17) and (18) of the Act. The regulation at § 780.37(a) establishes the permitting requirements for reclamation plans to include plans and drawings for each road that is used in the surface mining activities. The regulatory authority reviews and approves these plans that cover the design, specifications, and construction and removal of each proposed road as being in compliance with the performance standards in sections 816.150 and 151 for roads.
2. These plans and drawings from the applicant that describe each road width, gradient, surfacing material, cut, fill embankment, culvert, bridge, drainage ditch, low-water crossing and drainage structure are needed so the regulatory authority is provided with comprehensive and reliable information on each structure. From the drawings and specification, the regulatory authority must approve each road that is located in the channel of an intermittent stream or perennial stream, each road stream ford that is used as a temporary route and each alteration or relocation of a natural drainageway. These drawings and specifications are approved by the regulatory authority as being properly designed and consistent with engineering and environmental standards. This information is needed to determine that each road or approved drainage structure does not cause pollution of water, damage to fish or wildlife or their habitat or public or private property.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.

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

***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports and information provided by the companies identified in item 8, there were 225 permit applications submitted, with each applicant requiring approximately 30 hours to prepare the engineering plans and drawings for roads. Therefore,

$$225 \text{ respondents} \times 30 \text{ hours per response} = 6,750 \text{ total hours.}$$

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 10 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 10 hours per review = 2,210 hours.

Total burden for all respondents is **8,960 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor’s Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	15	30.21	453
Civil Engineer	13	55.38	720
Operations Manager	2	63.72	127
<b>Total</b>	<b>30</b>		<b>1,300</b>

Therefore, the estimated total annual wage cost for each industry respondent for \$780.37 is \$1,300. The total wage cost to all industry respondents is \$1,300 x 225 permits = \$292,500.

In addition, it takes 10 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.37 of each permit application is \$31 per hour x 10 hours = \$310. The total wage cost to all State regulatory authorities is \$310 x 221 permit applications = \$68,510.

Therefore, we estimate that the burden to all respondents is \$292,500 for industry + \$68,510 for State regulatory authorities = \$361,010.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$50 x 225 applications = \$11,250.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.37 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal

government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the 4 plans at 10 hours per review will be \$1,880. (4 applications x \$47 x 10 hours).

Total Federal Cost

\$ 3,760	Oversight
+ \$ 1,880	Federal Programs
\$ 5,640	Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and also from OSM offices which administer Federal programs. OSM estimates that 8,960 hours will be required annually to prepare the information required by § 780.37. This represents an increase of 85 hours due to an increase in hours per response. Therefore, this request changes the burden estimate as follows:

8,875	Hours currently approved by OMB
+ 85	Hours due to an adjustment
8,960	Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total burden hours as well as the total non-labor costs for each section. The total non-labor costs for this section is \$11,250, and has been reduced by \$1,500 due to the reduction in use.

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



## Supporting Statement for Reporting Requirements in § 780.38

### A. Justification

1. The regulation at 30 CFR § 780.38, in accordance with Sections 507(b)(14), and 508(a) and 510(b) of the Act, requires the submission of a complete mining and reclamation plan showing the plans and locations of each facility and the land to be affected so the regulatory authority can determine the feasibility of the proposed plan to meet the performance standards of Section 515(b)(4) of the Act. This section requires the stabilization and protection of all surface areas affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution. The regulation at § 780.38 establishes the permitting requirements for each reclamation plan to include descriptions, plans, and drawings for each conveyor, rail system, or other transportation system or support facility that is used in the surface mining activities. These plans and drawings include a map, appropriate cross-sections, and design drawings.
2. These plans and drawings from the applicant are needed so the regulatory authority is provided with comprehensive and reliable information on each system or facility. These plans and specifications are approved by the regulatory authority as being in sufficient detail to demonstrate compliance with section 816.181 for each system or facility. This information is needed to determine that each system or facility effectively controls erosion, attendant air and water pollution.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.

12. Burden Estimates:

***Burden on Mine Applicants and Permittees***

Based on the Fiscal Year 2007 annual evaluation reports, information provided by the companies identified in item 8, there are 225 permit applications submitted, with each applicant requiring 25 hours to complete this portion of the application. Therefore,

225 respondents x 25 hours per response = 5,625 total hours.

***Burden on State Regulatory Authorities***

Our FY 2007 oversight data show that the 24 State regulatory authorities have jurisdiction over 221 of the 225 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 221 mines x 5 hours per review = 1,105 hours.

Total burden for all respondents is **6,730 hours**.

Annual Wage Cost to Respondents:

Using U.S. Department of Labor's Bureau of Labor statistics for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](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 1.4 of hourly wages):

<b>Industry Wage Cost</b>			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	8	30.21	242
Mining Engineer	15	46.82	702
Operations Manager	2	63.72	127
Total	25		1,071

Therefore, the estimated total annual wage cost for each industry respondent for \$780.38 is \$1,071. The total wage cost to all industry respondents is \$1,071 x 225 permits = \$240,975.

In addition, it takes 5 hours for each State regulatory authority to review this section of the permit application.

Using U.S. Department of Labor's Bureau of Labor statistics figures for State employee engineering technician at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000), we estimate that the wage cost is \$20.52 per hour, or \$31 per hour (rounded) when including benefits calculated at 1.5 of hourly wages. (OSM derived the 1.5 multiplier from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007 at [http://www.bls.gov/news.release/archives/ecec\\_12112007.pdf](http://www.bls.gov/news.release/archives/ecec_12112007.pdf).) Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.38 of each permit application is \$31 per hour x 5 hours = \$155. The total wage cost to all State regulatory authorities is \$155 x 221 permit applications = \$34,255.

Therefore, we estimate that the burden to all respondents is \$240,975 for industry + \$34,255 for State regulatory authorities = \$275,230.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

A nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$25 x 225 applications = \$5,625.

b. Operation, Maintenance and Services

Not applicable. Costs for this section are incurred prior to the commencement of mining.

14. Estimate of Cost to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 780.38 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one State program per year and that each review requires an average of 80 hours at \$47 per hour (GS 12/5 regulatory program specialist/engineer reviewing the application, including 1.5 multiplier for benefits; [http://www.opm.gov/oca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oca/08tables/html/g_s_h.asp)). The annual cost to the Federal government for this oversight activity is estimated to be \$3,760.

Federal Programs: Based upon data collected in 2007, OSM estimates that it will

annually receive approximately 4 applications for new permits where OSM is the regulatory authority. At an average salary of \$47 per hour, the annual wage cost to the Federal government to review the 4 plans at 5 hours per review is \$940.

Total Federal Cost

\$ 3,760 Oversight  
+ \$ 940 Federal Programs  
\$ 4,700 Total Federal Cost

15. The information collection burden estimate per respondent is based on the information provided by the companies identified in item 8. The number of respondents was obtained from OSM's 2007 annual reports addressing the States' administration of their regulatory programs and from OSM offices that administer Federal programs. OSM estimates that 6,730 hours will be required annually to prepare the information required by § 780.38. This represents an increase of 3,185 hours due to an increase in hours per response. Therefore, this request changes the burden estimate as follows:

3,545 Hours currently approved by OMB  
+ 3,185 Hours due to an adjustment  
6,730 Hours requested

The reduction in annual submissions of permit applications, from 255 to 225 annually, has reduced the total non-labor costs for each section. The total non-labor costs for this section is \$5,625, and has been reduced by \$750 due to the reduction in use.

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