

# 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 8-10 of this document.

This information collection request merges approved collection 1029-0128, approved for the Excess Spoil Final Rule published December 12, 2008 (73 FR 75814), into this collection.

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>HOURS CURRENTLY APPROVED</b>	<b>BURDEN HOURS REQUESTED</b>	<b>DIFFERENCE</b>
780.11	225	221	40	5	10,105	10,105	0
780.12	225	221	10	8	4,018	4,018	0
780.13	225	221	56	10	14,810	14,810	0
780.14	225	221	145	32	39,697	39,697	0
780.15	1	1	6	2	8	0	-8
780.16	225	221	72	8	17,968	17,968	0
780.18	225	221	90	70	35,720	35,720	0
780.21	225	221	257	70	73,295	73,295	0
780.22	225	221	149	40	42,365	42,365	0
780.23	225	221	159	10	37,985	37,985	0
780.25	225	221	123	25	33,200	33,250	50
780.27	225	221	28	5	7,405	7,405	0
780.28	270	264	10	10	0	5,340	5,340
780.29	225	221	22	30	11,580	11,580	0
780.31	225	221	8	6	3,126	3,126	0
780.33	225	221	12	3	3,363	3,363	0
780.35	170	168	27	25	9,828	8,790	-1,038
780.37	225	221	30	10	8,960	8,960	0
780.38	225	221	25	5	6,730	6,730	0
<b>TOTAL</b>	<b>225</b>	<b>221</b>	<b>1258</b>	<b>357</b>	<b>360,163</b>	<b>364,507</b>	<b>4,344</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>CURRENTLY APPROVED TOTAL COSTS</b>	<b>TOTAL COST REQUESTED</b>	<b>DIFFERENCE</b>
780.11	225	\$50	11,250	11,250	0
780.12	225	\$50	11,250	11,250	0
780.13	225	\$100	22,500	22,500	0
780.14	225	\$120	27,000	27,000	0
780.15	0	20	20	0	-20
780.16	225	\$125	28,125	28,125	0
780.18	225	\$1,000	225,000	225,000	0
780.21	225	\$3,000	675,000	675,000	0
780.22	225	\$3,050	686,250	686,250	0
780.23	225	\$25	5,625	5,625	0
780.25	225	\$400	90,000	90,000	0
780.27	225	\$25	5,625	5,625	0
780.28	270	100	0	27,000	27,000
780.29	225	\$145	32,625	32,625	0
780.31	225	\$400	90,000	90,000	0
780.33	225	\$30	6,750	6,750	0
780.35	170	\$260	58,500	85,000	26,500
780.37	225	\$50	11,250	11,250	0
780.38	225	\$25	5,625	5,625	0
	<b>TOTAL</b>	<b>\$8,875</b>	<b>1,992,395</b>	<b>2,045,875</b>	<b>53,480</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 Burden to Respondents:

### ***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/gs\\_h.asp](http://www.opm.gov/oca/08tables/html/gs_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. This information collection request does not alter the currently approved burden of 10,105 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 § 780.12

### 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:
  - a. Annual Burden to Respondents:

### ***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 permit applications x 10 hours per response = 2,250 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 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**.

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	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. This information collection request does not alter the currently approved burden of 4,018 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 § 780.13

### 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:
  - a. Annual Burden to Respondents:

### ***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**.

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 (\$)
Mining Engineer	50	46.82	2,341
Operations Manager	6	63.72	382
<b>Total</b>	<b>56</b>		<b>2,723</b>

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/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 \$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. This information collection request does not alter the currently approved burden of 14,810 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 § 780.14

### 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:
  - a. Annual Burden to Respondents:

### ***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**.

b. 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. This information collection request does not alter the currently approved burden of 39,697 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 § 780.15

### A. Justification

1. Section 508(a)(9) of SMCRA requires that each application for a surface mining permit include the steps to be taken to comply with applicable air and water quality laws and regulations. However, the regulations at 30 CFR 780.15 primarily reflect sections 515(a) and (b)(4) of SMCRA, which provide that each permit must require that surface coal mining and reclamation operations be conducted so as to “stabilize and protect all surface areas \*\*\* to effectively control erosion and air pollution attendant to erosion.” Paragraph (a) of 30 CFR 780.15 provides that, if the proposed operations would produce more than one million tons of coal per year and would be located west of the 100<sup>th</sup> meridian west longitude, the application must include (1) an air quality monitoring program to evaluate the effectiveness of fugitive dust control practices under 30 CFR 816.95, and (2) a plan for fugitive dust control practices under 30 CFR 816.95. Paragraph (b) of 30 CFR 780.15 requires that all other applications, regardless of size or location, include “a plan for fugitive dust control practices as required under 30 CFR 816.95.” However, on January 10, 1983, in response to a court decision restricting OSM’s jurisdiction to air pollution attendant to erosion, OSM revised 30 CFR 816.95 to remove both the requirement for a plan for fugitive dust control practices and the list of fugitive dust control practices. The preamble effectively acknowledges that the revised performance standards render the permit application regulations moot.
2. The regulatory authority no longer has any meaningful use for the information submitted under this rule. To the extent that it includes information required for compliance with the Clean Air Act, the rule satisfies the requirement of section 508(a)(9) of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.

11. See list of items with identical responses.

12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

On January 10, 1983, in response to a court decision restricting OSM's jurisdiction to air pollution attendant to erosion, we revised 30 CFR 816.95 to remove both the requirement for a plan for fugitive dust control practices and the list of fugitive dust control practices. The preamble effectively acknowledges that the revised performance standards render the permit application regulations at 30 CFR 780.15 moot. Therefore, we are not requesting or including an information collection burden for 30 CFR 780.15.

b. Estimated Annual Wage Cost to Respondents

None. See item 12.a.

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

a. Capital and Start-Up Costs.

None. See item 12.a.

b. Operation, Maintenance and Services.

None. See item 12.a.

14. Estimate of Costs to the Federal Government:

None. See item 12.a.

15. There are currently 8 hours approved for this section. The new Excess Spoil final rule did not affect this burden because it does not revise this section. However, we are requesting that this burden be eliminated for the reasons discussed in items 1 and 12.a. If approved, the burden will be eliminated.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

## 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:

#### a. Annual Burden to Respondents:

#### ***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**.

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	8	18.40	147
Environmental Technician	40	30.21	1,208
Environmental Engineer	22	46.82	1,030
Operations Manager	2	63.72	127
Total	72		2,512

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 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 \$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 x 225 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/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 \$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:
  - a. Annual Burden to Respondents:

### ***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 completing 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**.

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	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/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 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. This information collection request does not alter the currently approved burden of 35,720 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 § 780.21

### 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:

- a. Annual Burden to Respondents:

***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**.

- 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	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/oaca/08tables/html/g\\_s\\_h.asp](http://www.opm.gov/oaca/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. This information collection request does not alter the currently approved burden of 73,295 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 § 780.22

### 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:

- a. Annual Burden to Respondents:

***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 completing 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**.

- 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):

### Industry Wage Cost

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
Total	149		4,778

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. This information collection request does not alter the currently approved burden of 42,365 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 § 780.23

### 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:

a. Annual Burden to Respondents:

***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**.

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	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. This information collection request does not alter the currently approved burden of 37,985 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 § 780.25

### A. Justification.

1. Sections 507(b)(14), 508(a)(5) and (13), 515(a), 515(b)(10) and (11), and 515(f) of SMCRA provide authority for 30 CFR 780.25, which contains design and other permit application requirements for siltation structures, impoundments, and refuse piles.

On August 24, 2007, we proposed to revise the rules to include new requirements relating to refuse piles and coal mine waste impoundments, which we are now adopting in final form. The purpose of the new rules is to ensure that the applicant selects the alternative with the least overall adverse impact on fish, wildlife, and related environmental values. The authority for the rule revisions arises primarily from paragraphs (b)(10)(B)(i) and (b)(24) of section 515 of SMCRA, which require that surface coal mining operations use the best technology currently available to the extent possible to prevent additional contributions of suspended solids to stream flow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.

2. Both permit applicants and SMCRA regulatory authorities use the information required by this rule to ensure that siltation structures, impoundments, and refuse piles are designed to protect public safety, property, and the environment.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.

12. Reporting and Reviewing Burden.

a. Burden Hour Estimates for Respondents.

***Burden on Permit Applicants***

According to our FY 2007 annual oversight evaluation reports, we and the states issued 225 new permits for surface mines during that year (221 by the states and 4 by us), all of which must include at least some of the information required by this section. Based on consultations with the industry representatives listed in item 8, each permit applicant will need an average of 123 hours to prepare the information required by 30 CFR 780.25 for siltation structures, impoundments, and refuse piles for each permit application.

This burden does not include collecting the new information that the Excess Spoil final rule requires for applications proposing to dispose of coal mine waste in refuse piles or impoundments located in or within 100 feet of a perennial or intermittent stream. However, the persons listed in item 8 indicated that permit applicants are already preparing and submitting similar information under regulations and guidance implementing sections 401 and 404 of the Clean Water Act. Therefore, we are not including any burden hours for the new requirements for permit applicants for those facilities.

We estimate that the total annual burden to permit applicants for compliance with this section will be **27,675 hours** (225 applications per year x 123 hours per application).

***Burden on State Regulatory Authorities***

Based on consultations with the state regulatory authorities listed in item 8, the regulatory authority will need an average of 25 hours to review the information required by 30 CFR 780.25 for siltation structures, impoundments, and refuse piles for each permit application. However, that figure does not include the burden of reviewing the new information that the Excess Spoil final rule requires for applications proposing to dispose of coal mine waste in refuse piles or impoundments located in or within 100 feet of a perennial or intermittent stream. Averaged together, the state regulatory authority respondents listed in item 8 of this supporting statement indicate that review of those requirements (identification of a reasonable range of alternatives for coal mine waste disposal and analysis of the environmental impact of those alternatives) will add 4.5 hours to the review burden of the regulatory authority for each application for a refuse pile or coal processing waste impoundment. We estimate that the new requirements will apply to approximately 5% (11) of the 221 permit applications that state regulatory authorities receive each year.

Therefore, we estimate that the total annual burden for state regulatory authorities to review information submitted under 30 CFR 780.25 will be **5,575 hours** [(221 permit applications received by state regulatory authorities per year x 25 hours per application) + (11 applications with refuse piles or coal processing waste impoundments x 4.5 hours per application)].

***Burden on All Respondents***

We estimate that the total annual burden for all respondents will be **33,250 hours** (27,675 hours for permit applicants + 5,575 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents.

Using data for mining companies from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm)), we estimate that permit applicants will incur the wage costs shown in the following table to complete the collection for this section. The wage costs shown include benefits calculated at 40% of hourly wages.

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
Totals	123		4,623

Therefore, the estimated wage cost to an industry respondent for preparing a permit application under this section is \$4,623. The total annual wage cost to all industry respondents is **\$1,040,175** (\$4,623 per application x 225 permit applications per year).

As explained in item 12.a. above, the average review burden for state regulatory authorities for this section for each permit application received is 25 hours (5,525 total hours divided by 221 permit applications received per year by state regulatory authorities). In addition, we estimate that 11 of those applications will involve refuse piles or coal processing waste impoundments subject to the new final rule. Those applications will require a total of 50 extra hours to review (11

applications x 4.5 hours to review each application). Therefore, the total annual burden is 5,575 hours.

Data from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000)) indicate that state employee engineering technicians earn an average \$20.52 per hour, or approximately \$31 per hour when benefits are included. We calculated benefits at 50% of hourly wages, based upon the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics publication "Employer Costs for Employee Compensation—September 2007." (See [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 information submitted under this section is **\$172,825** (\$31 per hour x 5,575 hours per year), or \$782 per permit application.

The estimated total annual wage cost burden to all respondents for this section is **\$1,213,000** (\$1,040,175 for industry + \$172,825 for state regulatory authorities), or approximately \$5,391 per application.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application will average \$400 per application for items such as equipment, copying costs, and travel to the mine site and other locations, which translates to a total cost of **\$90,000** for all applicants (225 applications x \$400 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, we do 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 or implementation problems. If we conduct an oversight review of this topic in one state per year, we estimate that the review will require an average of 300 hours at \$47 per hour (salary based upon use of a GS 12/5 regulatory program specialist/engineer to review the applications), including benefits; which we estimate will equal 50% of salary. See [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** (300 hours per

review x 1 review per year x \$47 per hour).

Federal Programs: Based upon data collected in 2007, we estimate that we will annually receive approximately 4 applications for new permits on lands where we are the regulatory authority. As discussed in item 12.a., we estimate that we will need an average of 25 hours to review the information in each permit application that is required under 30 CFR 780.25. At an average salary of \$47 per hour (see explanation in preceding paragraph), the annual wage cost to the Federal government to review all applications will be **\$4,700** (4 applications per year x 25 hours per application x \$47 per hour).

Total Federal Cost

	\$ 14,100	Oversight
+	\$ 4,700	Federal programs
	\$ 18,800	Total Federal cost

15. There are currently 33,200 hours approved for this section. Because of a program change (adoption of the Excess Spoil final rule), we anticipate that the burden will increase by 50 hours, as approved by OMB under 1029-0128. This collection request moves the burden from 1029-0128 and replaces the 33,200 approved under this collection.

	33,200	hours currently approved
+	50	hours due to the merger from 1029-0128 as a program change requested
	33,250	hours requested

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

## 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:
  - a. Annual Burden to Respondents:

### ***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**.

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	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. This information collection request does not alter the currently approved burden

of 7,405 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  
Section 780.28**

A. Justification.

1. Section 780.28 establishes permit application requirements for surface activities in or within 100 feet of a perennial or intermittent stream. It also specifies findings that the regulatory authority must make before approving those activities. We added this section as part of the new Excess Spoil final rule. The new requirements are primarily intended to implement section 515(b)(10)(B)(i) of SMCRA, which requires that surface coal mining operations be conducted to prevent additional contributions of suspended solids to stream flow outside the permit area to the extent possible, and section 515(b)(24) of SMCRA, which requires that surface coal mining and reclamation operations minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values to the extent possible. Both sections require use of the best technology currently available. Section 201(c) of SMCRA provides the authority for us to adopt regulations implementing those sections of SMCRA.
2. The regulatory authority will use the information provided under this section and the findings that it must make to ensure that surface coal mining and reclamation operations are designed to implement the statutory requirements outlined in the response to item 1.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden
  - a. Annual Burden to Respondents:

The final rule removes the requirement in existing 30 CFR 816.57(a) that the regulatory authority make certain findings before approving waivers from the prohibition on surface mining activities that would disturb land within 100 feet of an intermittent or perennial stream. New section 780.28 establishes permit application requirements that apply to all proposed disturbances in or within 100 feet of a perennial or intermittent stream. In general, the applicant must demonstrate that: (1) it is not reasonably possible to avoid disturbing the stream or its buffer zone; and (2) the activities would meet the statutory requirements for sediment control and protection of fish, wildlife, and related environmental values to the extent possible using the best technology currently available. Section 780.28 also requires that the regulatory authority make findings that the applicant has made the required demonstration in a satisfactory manner.

Therefore, the burden previously imposed on permit applicants and regulatory authorities under 30 CFR 816.57 for stream buffer zones moves to new section 780.28. Based on responses from the persons listed in item 8, we estimate that the new requirements in section 780.28 will impose a unit burden equal to that formerly imposed under 30 CFR 816.57.

#### ***Burden on Permit Applicants***

According to data collected for our FY 2007 annual oversight evaluation reports, we and the states issued 225 new permits for surface mines during that year (221 by the states and 4 by us). Based on the information provided by the persons listed in item 8, we estimate that 60% (135) of those permits will include activities in or within 100 feet of a perennial or intermittent stream and therefore must include the information required by this section. On the same basis, we estimate that the information also will be needed for an equal number (135) of permit revisions and amendments, and that each applicant will need 10 hours to prepare the information required by section 780.28. Therefore, the total annual burden to permit applicants for compliance with this section would be **2,700 hours** (270 applications for new permits or permit revisions with activities in buffer zones x 10 hours per application).

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

State regulatory authorities receive 98% of the applications for new permits and permit revisions. As discussed above, we estimate that 60% of those applications (132 new permits and 132 permit revisions) will require submittal of the information required by 30 CFR 780.28. Based on the information provided by the persons listed in item 8, we estimate that each application will require an average of 10 hours to review. Therefore, we estimate that the total annual burden for state regulatory authorities to review applications under 30 CFR 780.28 and make the required findings will be **2,640 hours** (264 permit and

permit revision applications received by state regulatory authorities with activities in buffer zones per year x 10 hours per application).

***Burden on All Respondents***

The total annual burden for all respondents would be **5,340 hours** (2,700 hours for permit applicants + 2,640 hours for state regulatory authority review).

b. Annual Wage Cost to Respondents:

Using data for mining companies from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm)), we estimate that permit applicants will incur the wage costs shown in the following table to complete the collection for this section. The wage costs shown include benefits calculated at 40% of hourly wages.

Industry Wage Cost			
Position	Hour Burden per Response	Cost per Hour (\$)	Total Wage Burden (\$)
Clerical	1	18.40	18
Engineering Technician	5	30.21	151
Mining Engineer	3	46.82	140
Operations Manager	1	63.72	64
Totals	10		373

Therefore, the estimated wage cost to an industry respondent for preparing a permit application under this section is \$373. The total annual wage cost to all industry respondents is **\$100,710** (\$373 per application x 270 new permit and permit revision applications per year that involve this section).

As explained in item 12.a. above, the average review burden for state regulatory authorities for this section for each permit application received with this information is 10 hours and the total annual burden is 2,640 hours (264 permit and permit revision applications received by state regulatory authorities with activities in buffer zones per year x 10 hours per application).

Data from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000)) indicate that state employee engineering technicians earn an average \$20.52 per hour, or approximately \$31 per hour when benefits are included. We calculated benefits at 50% of hourly wages, based upon the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics

publication “Employer Costs for Employee Compensation—September 2007.” (See [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 information submitted under this section is **\$81,840** (\$31 per hour x 2,640 hours per year), or \$310 per permit application.

The estimated total annual wage cost burden to all respondents for this section is **\$182,550** (\$100,710 for industry + \$81,840 for state regulatory authorities).

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application will average \$100, which translates to a total cost of **\$27,000** for all applicants (270 new permit and permit revision applications per year that involve this section x \$100 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR 780.28 in the absence of any indication of programmatic or implementation problems. If we conduct an oversight review of this topic in one state per year, we estimate that the review will require an average of 100 hours at \$47 per hour (salary based upon use of a GS 12/5 regulatory program specialist/engineer to review the applications), including benefits; which we estimate will equal 50% of salary. See [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 **\$4,700** (100 hours per review x 1 review per year x \$47 per hour).

Federal Programs: Based upon data collected in 2007, we estimate that we will receive approximately 6 new permit and permit revision applications with activities in buffer zones per year x 10 hours to review that information in each permit application. At an average salary of \$47 per hour (see explanation in preceding paragraph), the annual wage cost to the Federal government to review those applications will be **\$2,820** (6 applications per year x 10 hours per application x \$47 per hour).

Total Federal Cost

\$ 4,700 Oversight  
+ \$ 2,820 Federal programs  
            
\$ 7,520 Total Federal cost

15. There are currently no hours approved for this section, which we are adding as part of the new Excess Spoil final rule. As discussed above, we are requesting approval of 5,340 burden hours for this new section, approved under 1029-0128 as shown below:

0 hours currently approved  
+ 5,340 hours because of a program change  
            
5,340 hours requested

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

## 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:

#### a. Annual Burden to Respondents:

#### ***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**.

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	2	18.40	37
Mining Engineer	18	46.82	843
Operations Manager	2	63.72	127
Total	22		1,007

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  $\$930 \times 221$  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  $\$145 \times 225$  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. This information collection request does not alter the currently approved burden of 11,580 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 § 780.31

### 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:

#### a. Annual Burden to Respondents:

#### ***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**.

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 (\$)
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. This information collection request does not alter the currently approved burden of 3,126 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 § 780.33

### 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:

#### a. Annual Burden to Respondents:

#### ***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**.

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 (\$)
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/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, 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. This information collection request does not alter the currently approved burden of 3,363 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 § 780.35

### A. Justification.

1. The regulations at 30 CFR 780.35, which establish permit application requirements for the disposal of excess spoil from surface mines, reflect the requirement in section 508(a)(5) of SMCRA that the permit application include a statement of the engineering techniques to be used in mining and reclamation, as well as a description of how the operation will comply with each requirement of section 515. Paragraph (b)(22) of section 515 addresses the disposal of excess spoil.

The new Excess Spoil final rule revises 30 CFR 780.35 by adding provisions requiring that the mining operation be designed to minimize the creation of excess spoil and that the designed cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. The new provisions also require avoidance of perennial and intermittent streams and their buffer zones to the extent possible. If avoidance is not possible, the applicant must demonstrate why avoidance is not reasonably possible. In addition, in those cases, the applicant must identify and evaluate a reasonable range of reasonably possible alternatives with respect to excess spoil disposal and select the alternative with the least overall adverse impact on fish, wildlife, and related environmental values. The authority for these provisions is derived from paragraphs (b)(10)(B)(i) and (b)(24) of section 515 of SMCRA, which require that, to the extent possible, surface coal mining operations use the best technology currently available to prevent additional contributions of suspended solids to stream flow outside the permit area and to minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values.

2. The regulatory authority uses the geotechnical investigation and fill design requirements of this section to ensure that excess spoil is disposed of safely in a stable manner with a minimum of adverse environmental impacts.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.

9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden
  - a. Burden Hour Estimates for Respondents

### ***Burden on Permit Applicants***

As part of the Excess Spoil final rule, we are revising 30 CFR 780.35 (a)(1) and (2) to require that all proposed mining operations be designed to minimize the creation of excess spoil and that the cumulative volume of all excess spoil fills be no greater than the volume needed to contain the amount of excess spoil to be generated. Based on responses from the persons in item 8, we estimate that these requirements will add one hour to the burden for permit applicants and one hour to the burden for regulatory authorities to review permit applications.

Paragraph (a)(3) of the revised rule also requires that operations be designed to avoid placement of excess spoil in perennial and intermittent streams and their buffer zones to the extent possible. When avoidance is not possible, the applicant must demonstrate that there is no reasonably possible alternative. In that case, each applicant proposing to dispose of excess spoil must identify a reasonable range of reasonably possible alternatives with respect to the size, configuration, number, and location of fills, evaluate their environmental impacts, and select the alternative with the least overall adverse impact on fish, wildlife, and related environmental values. The persons listed in item 8 indicate that these new requirements will not add to the burden for the permit applicant because substantially similar information is already being collected and provided under a different law—sections 401 and 404 of the Clean Water Act. However, on average, the state regulatory authority respondents listed in item 8 estimate that review of the new material submitted in the permit application will add 6 hours to the burden of the regulatory authority for each application that includes disposal of excess spoil.

According to studies that we and the states completed in connection with earlier rulemaking efforts, more than 98% of all excess spoil fills are located in Kentucky, Virginia, and West Virginia. Using data provided by the persons listed in item 8, Kentucky reports that in 2006 it issued 77 permitting actions (new permits, revisions, and amendments) involving excess spoil fills on surface mines, while West Virginia reports issuing an average of 45 such actions annually in recent years. According to our FY 2006 annual oversight evaluation

reports, Virginia and West Virginia issued nearly equal numbers of permits for surface mines in FY 2006, so we will use the same numbers for Virginia as West Virginia; i.e., we estimate that Virginia also issues an average of 45 permitting actions each year involving excess spoil fills on surface mines. We also estimate that a total of 3 permitting actions in other states (including 2 by OSM in Tennessee) will involve excess spoil fills on surface mines. Using these numbers, we estimate that we and the states will issue an average of 170 permitting actions (new permits, amendments, and major revisions) per year approving excess spoil fills on surface mines (77 in Kentucky + 45 in West Virginia + 45 in Virginia + 3 in other states).

Consultations with the industry representatives listed in item 8 indicate that each applicant will need 26 hours to prepare the information required by 30 CFR 780.35, exclusive of the new information required by the Excess Spoil final rule. (As a point of reference to explain the difference in unit burden hours from the corresponding underground mine permitting rules at 30 CFR 784.19, Kentucky data show that each permitting action includes an average of three excess spoil fills, with the vast majority of excess spoil fills located on surface mines.) As discussed above, the new requirements at (a)(1) and (2) would add one hour to that burden, exclusive of the information that applicants are already preparing and submitting under a different law (the Clean Water Act). Consequently, a permit applicant would need a total of 27 hours to collect the information required under section 780.35, as revised by the new final rule. Therefore, we estimate that the total annual burden to permit applicants for compliance with this section will be **4,590 hours** (170 applications with excess spoil fills x 27 hours per application).

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

Consultations with the state regulatory authority representatives listed in item 8 of the pending renewal request for Part 780 indicate that, for each application, the regulatory authority will need 18 hours to review the information required by 30 CFR 780.35, exclusive of the new information required by the Excess Spoil final rule. As discussed above, the burden for state regulatory authorities to review the information submitted under this section will increase by 7 hours per application as a result of the new Excess Spoil final rule, for a total average review burden of 25 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 780.35 will be **4,200 hours** (168 permit and permit revision applications received per year by state regulatory authorities with proposed excess spoil fills x 25 hours per application).

### ***Burden on All Respondents***

We estimate that the total annual burden for all respondents under this section

will be **8,790 hours** (4,590 hours for permit applicants + 4,200 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

Using data for mining companies from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm)), we estimate that permit applicants will incur the wage costs shown in the following table to complete the collection for this section. The wage costs shown include benefits calculated at 40% of hourly wages.

Position	Hour Burden per Response	Cost per Hour (\$)	Total Wage Burden (\$)
Clerical	1	18.40	18
Engineering Technician	18	30.21	544
Mining Engineer	7	46.82	328
Operations Manager	1	63.72	64
Totals	27		954

Therefore, the estimated wage cost to an industry respondent for preparing a permit application under this section is \$954. The total annual wage cost to all industry respondents is **\$162,180** (\$954 per application x 170 new permit and permit revision applications per year that involve this section).

As explained in item 12.a. above, the average review burden for state regulatory authorities for this section for each permit application received with this information is 25 hours and the total annual burden is 4,200 hours (168 permit and permit revision applications with excess spoil received per year by state regulatory authorities x 25 hours per application).

Data from the U.S. Department of Labor, Bureau of Labor Statistics (see [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000)) indicate that state employee engineering technicians earn an average \$20.52 per hour, or approximately \$31 per hour when benefits are included. We calculated benefits at 50% of hourly wages, based upon the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics publication “Employer Costs for Employee Compensation—September 2007.” (See [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 information submitted under this section is **\$130,200** (\$31 per hour x 4,200 hours

per year), or \$775 per permit application.

The estimated total annual wage cost burden to all respondents for this section is **\$292,380** (\$162,180 for industry + \$130,200 for state regulatory authorities).

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, which translates to a total cost of **\$85,000** for all applicants (170 applications x \$500 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, we do 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 or implementation problems. If we conduct an oversight review of this topic in one state per year, we estimate that the review will require an average of 100 hours at \$47 per hour (salary based upon use of a GS 12/5 regulatory program specialist/engineer to review the applications), including benefits; which we estimate will equal 50% of salary. See [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 **\$4,700** (100 hours per review x 1 review per year x \$47 per hour).

Federal Programs: As discussed in item 12.a. above, we estimate that we will annually receive approximately 2 applications for new permits or permit revisions that involve excess spoil disposal on lands where we are the regulatory authority. We also estimate that we will need an average of 25 hours to review that information in each permit application. At an average salary of \$47 per hour (see explanation in preceding paragraph), the annual wage cost to the Federal government to review those applications will be **\$2,350** (2 applications per year x 25 hours per application x \$47 per hour).

Total Federal Cost

\$ 4,700 Oversight  
+ \$ 2,350 Federal programs



\$ 7,050 Total Federal cost

15. There are currently 9,828 hours approved for this section. We are now requesting approval of 8,790 burden hours for this section. By incorporating the approved collection for this section from 1029-0128, we are reducing the burden by 1,038 hours as shown below:

9,828 hours currently approved  
- 1,038 hours due to a program change from 1029-0128  
8,790 hours requested

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

## 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. This information collection request does not alter the currently approved burden of 8,960 hours.
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. This information collection request does not alter the currently approved burden of 6,730 hours.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.