

## Supporting Statement A

### 30 CFR Part 780 – Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operation Plans

OMB Control Number 1029-0036

**Terms of Clearance:** None

#### **General Instructions**

*A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.*

#### **Specific Instructions**

##### **Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*
- 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, 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.*

*Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three 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.*
  - \* *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.*
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 already reflected in item 12.)*
  - \* *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 for form processing). 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.*
- 15. Explain the reasons for any program changes or adjustments in hour or cost burden.*
- 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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

## **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 renewed information collection authority for 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.

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

**SUMMARY ANNUAL BURDEN TO RESPONDENTS FOR 30 CFR Part 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	203	201	4	3	10,105	1,415	-8,690
780.12	203	201	6	2.25	4,018	1,670	-2,348
780.13	203	201	53	4.5	14,810	11,664	-3,146
780.14	203	201	40	8.75	39,697	9,879	-29,818
780.16	203	201	16	10	17,968	5,258	-12,710
780.18	203	201	8	2	35,720	2,026	-33,694
780.21	203	201	4	8	73,295	2,420	-70,875
780.22	203	201	24	6	42,365	6,078	-36,287
780.23	203	201	40	7.5	37,985	9,628	-28,357
780.25	203	201	6	4	33,250	2,022	-31,228
780.27	203	201	10	5	7,405	3,035	-4,370
780.28	242	238	10	10	5,340	4,800	-540
780.29	203	201	16	5	11,580	4,253	-7,327
780.31	203	201	8	6	3,126	2,830	-296
780.33	203	201	12	3	3,363	3,039	-324
780.35	327	325	27	18	8,790	14,679	5,889
780.37	203	201	30	10	8,960	8,100	-860
780.38	203	201	25	5	6,730	6,080	-650
<b>TOTAL</b>	<b>203</b>	<b>201</b>	<b>339</b>	<b>112</b>	<b>364,507</b>	<b>98,876</b>	<b>-265,631</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	203	\$75	11,250	15,225	3,975
780.12	203	\$75	11,250	15,225	3,975
780.13	203	\$150	22,500	30,450	7,950
780.14	203	\$168	27,000	34,104	7,104
780.16	203	\$168	28,125	34,104	5,979
780.18	203	\$1,100	225,000	223,300	-1,700
780.21	203	\$200	675,000	40,600	-634,400
780.22	203	\$5,000	686,250	1,015,000	328,750
780.23	203	\$100	5,625	20,300	14,675
780.25	203	\$100	90,000	20,300	-69,700
780.27	203	\$25	5,625	5,075	-550
780.28	203	\$100	27,000	24,200	-2,800
780.29	203	\$50	32,625	10,150	-22,475
780.31	203	\$400	90,000	81,200	-8,800
780.33	203	\$55	6,750	11,165	4,415
780.35	327	\$600	85,000	196,200	111,200
780.37	203	\$50	11,250	10,150	-1,100
780.38	203	\$25	5,625	5,075	-550
	<b>TOTAL</b>	<b>\$8,926</b>	<b>2,045,875</b>	<b>1,791,823</b>	<b>-254,052</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 60% 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 for 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 provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit and to conduct coal mining and reclamation operations. Adequate documentation is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. Therefore, the hour burden on any small entity subject to these regulations and associated collections of information cannot be reduced to accommodate them.
6. Information required in Part 780 provides the basis for SMCRA permitting decisions by SRA's. Information required for 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 October 2011, 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:

Julie Gerlack, Lands and Permitting Manager  
Aqua Terra Consultants, Inc.  
2624 Heartland Drive  
Sheridan, WY 82801  
(307) 672-7133

J.D. Elkins, Summit Engineering  
4013 Buckhannon Pike  
Mt. Clare, WV 26408  
(304) 622-0286

Ms. Gerlach and Mr. Elkins 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. Both consultants' estimates are based on average size mines that they work with in their region of the country.

On October 28, 2011, OSM published in the Federal Register (76 FR 66964) 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.
12. OSM uses the U.S. Department of Labor's Bureau of Labor Statistics (BLS) figures for calculating cost burden placed on respondents and on the Federal government. These figures are derived for mining companies found at [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm) and for state government **employees** found at [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000). We have also included a benefits factor of 1.4 for the coal companies, and a benefits factor of 1.5 for state government employees. These benefit estimates were developed in accordance with the BLS news release USDL-11-1718, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2011, dated December 7, 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
14. OSM uses the Office of Personnel Management figures for calculating wage costs for Federal employees. These figures are found in the table at [http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp). We have also included a benefits factor of 1.5 for Federal employees in accordance with the BLS news release USDL-11-1718, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2011, dated December 7, 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
16. Not applicable. OSM has no plans to publish the information.
17. Not applicable. The OMB approval number is displayed in 30 CFR 780.10.
18. Not applicable. There are no exceptions to the certification.

## §780.11 – Operation Plan: General Requirements

### Justification

1. In accordance with sections 507(b)(7) and 508(a)(5) of the Act, §780.11 requires 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 2010 annual evaluation reports and contacts with permit applicants, including those indicated in item 8 above, there were approximately 203 surface coal mining permit applications, with each applicant requiring 4 hours to complete this portion of the application. Therefore, 203 permit applications x 4 hours per response = 812 total hours.

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

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 3 hours per review = 603 hours.

Total burden for all respondents is **1,415 hours**.

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

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	11
Engineering Technician	2	31.51	63
Mining Engineer	1	53.89	54
Operations Manager	.5	79.91	40
Total	4		168

Therefore, the estimated annual wage cost for each industry respondent for §780.11 is \$168. The total wage cost to all industry respondents is \$168 x 203 permits = \$34,104.

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

Using BLS data for State government employees as discussed in “Identical

Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.11 of each permit application is \$35.01 per hour x 3 hours = \$105 (rounded). The total wage cost to all State regulatory authorities is \$105 x 201 permit applications = \$21,105.

Therefore, we estimate that the burden to all respondents is \$34,104 for industry + \$21,105 for State regulatory authorities = \$55,209.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Non-labor cost for each respondent of \$75 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 \$75 x 203 applications = \$15,225.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 4 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 4 hours x \$66.65 = \$267.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 3 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$400 (2 findings x 3 hours per finding x \$66.65 per hour).

Total Federal Cost

\$ 267 Oversight  
+ \$ 400 Federal Programs  
            
\$ 667 Total Federal Cost

15. There are currently 10,105 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 1,415 hours as shown below:

10,105 hours currently approved  
- 8,690 hours due to adjustments  
1,415 hours requested

This request includes a non-wage cost of \$15,225. This represents an increase of \$3,975 due to an adjustment.

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

## §780.12 – Operation Plan: Existing Structures

### Justification

1. In accordance with sections 507(b)(13) of the Act, §780.12 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 2010 annual evaluation reports, studies conducted by

OSM, and ongoing contacts with permit applicants, including those indicated in item 8, there are approximately 203 surface mining permit applications submitted annually, virtually all involving existing structures, with each applicant requiring approximately 6 hours to complete this portion of the application. Therefore, 203 permit applications x 6 hours per response = 1,218 hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 mines mentioned above, requiring 2.25 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 201 mines x 2.25 hours per review = 452 hours.

Total burden for all respondents is 1,670 hours.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	11
Engineering Technician	4	31.51	126
Mining Engineer	1.5	53.89	81
<b>Total</b>	<b>6</b>		<b>218</b>

Therefore, the estimated annual wage cost for each industry respondent for §780.12 is \$218 (rounded). The total wage cost to all industry respondents is \$218 x 203 permits = \$44,254.

In addition, it takes 2.25 hours for each State regulatory authority to review this section of the permit application.

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.12 of each permit application is \$35.01 per hour x 2.25 hours = \$79



(rounded). The total wage cost to all State regulatory authorities is  $\$79 \times 201$  permit applications =  $\$15,879$ .

Therefore, we estimate that the burden to all respondents is  $\$44,254$  for industry +  $\$15,879$  for State regulatory authorities =  $\$60,133$ .

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of  $\$75$  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  $\$75 \times 203$  applications =  $\$15,225$ .

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 6 hours. A GS 13/5 regulatory program specialist/engineer earning  $\$66.65$  per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 6 hours  $\times$   $\$66.65$  =  $\$400$ .

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 2.25 hours to review each. At an average salary of  $\$66.65$  per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be  $\$300$  (2 findings  $\times$  2.25 hours per finding  $\times$   $\$66.65$  per hour).

Total Federal Cost

	\$	400	Oversight
+	\$	300	Federal Programs
	\$	700	Total Federal Cost

15. There are currently 4,018 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 1,670 hours as shown below:

4,018 hours currently approved  
- 2,348 hours due to adjustments  
1,670 hours requested

This request includes a non-wage cost of \$15,225. This represents an increase of \$3,975 due to an adjustment.

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

## **§780.13 – Operation Plan: Blasting**

### Justification

1. In accordance with section 507(g) of the Act, §780.13 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 §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 2010 annual evaluation reports and ongoing contacts

with permit applicants, there are approximately 203 permit applications with each applicant requiring 53 hours to complete this portion of the application. Therefore, 203 blasting plans x 53 hours per respondent = 10,759 hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 mines mentioned above, requiring 4.5 hours to review this section of the permit application. Therefore, we estimate the burden to State regulatory authorities is 201 mines x 4.5 hours per review = 905 hours.

Total burden for all respondents is **11,664 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	53.89	2,695
Operations Manager	3	79.91	240
Total	53		2,935

Therefore, the estimated annual wage cost for each industry respondent for §780.13 is \$2,935. The total wage cost to all industry respondents is \$2,935 x 203 permits = \$595,805.

In addition, it takes 4.5 hours for each State regulatory authority to review this section of the permit application.

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.13 of each permit application is \$35.01 per hour x 4.5 hours = \$158 (rounded). The total wage cost to all State regulatory authorities is \$158 x 201 permit applications = \$31,758.

Therefore, we estimate that the burden to all respondents is \$595,805 for industry + \$31,758 for State regulatory authorities = \$627,563.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

A nonlabor cost for each respondent of \$150 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 \$150 x 203 blasting plans = \$30,450.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$66.65 = \$3,999.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 4.5 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$600 (2 findings x 4.5 hours per finding x \$66.65 per hour).

Total Federal Cost

\$ 3,999	Oversight
+ \$ 600	Federal Program
\$ 4,599	Total Federal Cost

15. There are currently 14,810 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete, we are requesting an approval of 11,664 hours as shown below:

14,810	hours currently approved
- 3,146	hours due to adjustments
11,664	hours requested

This request includes a non-wage cost of \$30,450. This represents an increase of \$7,950 due to an adjustment.

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

## §780.14 – Operation Plan: Maps and Plans

### Justification

1. In accordance with sections 507(b)(13) and (14) of the Act, §780.14 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 2010 annual evaluation reports and ongoing contacts with permit applicants, there are 203 surface coal mining permit applicants submitting the information, with each applicant requiring 40 hours to complete this portion of the application: 203 applications x 40 hours per respondent =

8,120 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 mines mentioned above, requiring 8.75 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 201 mines x 8.75 hours per review = 1,759 hours.

Total burden for all respondents is **9,879 hours**.

b. Annual Wage Cost to Respondent:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	23
Engineering Technician	32	31.51	3,151
Mining Engineer	6	53.89	1,008
Operation Manager	1	79.91	80
Total	40		4,262

Therefore, the estimated annual wage cost for each industry respondent for \$780.14 is \$4,262. The total wage cost to all industry respondents is \$4,262 x 203 permits = \$865,186.

In addition, it takes 8.75 hours for each State regulatory authority to review this section of the permit application.

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.14 of each permit application is \$35.01 per hour x 8.75 hours = \$306 (rounded). The total wage cost to all State regulatory authorities is \$306 x 201 permit applications = \$61,506.



Therefore, we estimate that the burden to all respondents is \$865,186 for industry + \$61,506 for State regulatory authorities = \$926,692.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$168 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 \$168 x 203 maps/plans = \$34,104.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 40 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 40 hours x \$66.65 = \$2,666.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 8.75 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,166 (2 findings x 8.75 hours per finding x \$66.65 per hour).

Total Federal Cost

\$ 2,666 Oversight  
+ \$ 1,166 Federal Programs  
\$ 3,832 Total Federal Cost

15. There are currently 39,697 hours approved for this section. Due to a decrease in the number of applications and the number of hours to complete, we are requesting an approval of 9,879 hours as shown below:

39,697 hours currently approved  
- 29,818 hours due to adjustments  
9,879 hours requested

This request includes a non-wage cost of \$34,104. This represents an increase of \$7,104 due to an adjustment.

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

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 §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 for §816.95, and (2) a plan for fugitive dust control practices for §816.95. Paragraph (b) of §780.15 requires that all other applications, regardless of size or location, include “a plan for fugitive dust control practices as required for §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 §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.

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.

## **§780.16 – Fish and Wildlife Information**

### Justification

1. In accordance with sections 508(a)(13) of the Act, §780.16 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 2010 annual evaluation reports, information received by respondents identified in item 8, there are 203 permit applications with each applicant requiring 16 hours to complete this portion of the application. Therefore, 203 permit applications x 16 hours per response = 3,248 total hours.

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

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 mines mentioned above, requiring 10 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 201 applications x 10 hours per review = 2,010 hours.

Total burden for all respondents is **5,258 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	23
Environmental Technician	12	29.90	358
Environmental Engineer	2	45.64	91
Operations Manager	1	79.91	80
<b>Total</b>	<b>16</b>		<b>552</b>

Therefore, the estimated annual wage cost for each industry respondent for §780.16 is \$552. The total wage cost to all industry respondents is 552 x 203 permits = \$112,056.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.16 of each permit application is \$35.01 per hour x 10 hours = \$350 (rounded). The total wage cost to all State regulatory authorities is \$350 x 201 permit applications = \$70,350.

Therefore, we estimate that the burden to all respondents is \$112,056 for industry + \$70,350 for State regulatory authorities = \$182,406.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$168 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 \$168 x 203 applications with fish and wildlife plans = \$34,104.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$66.65 = \$3,999.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,333 (2 findings x 10 hours per finding x \$66.65 per hour).

Total Federal Cost

\$ 3,999	Oversight
+ \$ 1,333	Federal Programs
\$ 5,332	Total Federal Cost

15. The number of respondents was obtained from OSM's 2010 annual reports addressing the States' administration of their regulatory programs and from OSM offices that administer Federal programs. OSM estimates that 5,258 hours will be required annually to complete the information required by §780.16. The decrease in total hours is a result of a reestimate in respondent burden and a reduction in use. Therefore, this request will decrease burden hours as follows:

17,968 Hours currently approved by OMB  
- 12,710 Hours due to adjustments  
5,258 Hours requested

This request includes a non-wage cost of \$34,104. This represents an increase of \$5,979 due to adjustments.

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

## §780.18 –Reclamation Plan: General Requirements

### Justification

1. In accordance with sections 507(b), 508(a), and 515(b) of the Act, §780.18 requires that each application 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 2010 annual evaluation reports, information received



by respondents identified in item 8, there were 203 permit applications submitted. Applicants will require, on average, 8 hours completing this section of the permit application. Therefore, 203 permit applications x 8 hours per response = 1,624 hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 mines mentioned above, requiring 2 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 201 mines x 2 hours per review = 402 hours.

Total burden for all respondents is **2,026 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	11
Environmental Technician	5	29.90	150
Environmental Engineer	2	45.64	91
Operations Manager	.5	79.91	40
<b>Total</b>	<b>8</b>		<b>292</b>

Therefore, the estimated annual wage cost for each industry respondent for §780.18 is \$292. The total wage cost to all industry respondents is \$292 x 203 permits = \$59,276.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to

review \$780.18 of each permit application is \$35.01 per hour x 2 hours = \$70 (rounded). The total wage cost to all State regulatory authorities is \$70 x 201 permit applications = \$14,070.

Therefore, we estimate that the burden to all respondents is \$59,276 for industry + \$14,070 for State regulatory authorities = \$73,346.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$1,100 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 \$1,100 x 203 applications = \$223,300.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 8 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 8 hours x \$66.65 = \$533.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 2 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$267 (2 findings x 2 hours per finding x \$66.65 per hour).

Total Federal Cost

\$	533	Oversight
+ \$	267	Federal Programs
\$	800	Total Federal Cost

15. There are currently 35,720 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 2,026 hours as shown below:

35,720 hours currently approved  
- 33,694 hours due to adjustments  
2,026 hours requested

This request includes a non-wage cost of \$223,300. This represents a reduction of \$1,700 due to an adjustment.

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

## §780.21 – Hydrologic Information

### Justification

1. 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, 30 CFR 780.21 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 2010 annual evaluation reports, there were 203 permit applicants who prepared this information, with each applicant requiring 4 hours to complete this portion of the application.

203 permit applications x 4 hours per response = 812 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 8 hours per review = 1,608 hours.

Total burden for all respondents is **2,420 hours**.

- b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	.5	22.69	11
Earth Drillers	2	32.00	64
Geological Engineer	1	53.89	54
Operations Manager	.5	79.91	40
<b>Total</b>	<b>4</b>		<b>169</b>

Therefore, the estimated annual wage cost for each industry respondent for \$780.21 is \$169. The total wage cost to all industry respondents is \$169 x 203

permits = \$34,307.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.21 of each permit application is  $\$35.01 \text{ per hour} \times 8 \text{ hours} = \$280$  (rounded). The total wage cost to all State regulatory authorities is  $\$280 \times 201 \text{ permit applications} = \$56,296$ .

Therefore, we estimate that the burden to all respondents is \$34,307 for industry + \$56,296 for State regulatory authorities = \$90,603.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$200 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  $\$200 \times 203 \text{ applications} = \$40,600$ .

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 6 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be  $12 \text{ hours} \times \$66.65 = \$800$ .

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 4 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be  $\$533$  ( $2 \text{ findings} \times 4 \text{ hours per finding} \times \$66.65 \text{ per hour}$ ).

Total Federal Cost

\$ 800 Oversight  
+ \$ 533 Federal Programs  
\$1,333 Total Federal Cost

15. There are currently 73,295 hours approved for this section. Due to a decrease in the number of applications and the number of hours to complete this portion of the application, we are requesting an approval of 2,420 hours as shown below:

73,295 hours currently approved  
- 70,875 hours due to adjustments  
2,420 hours requested

This request includes a non-wage cost of \$40,600. This represents a reduction of \$634,400 due to adjustments.

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



## **§780.22 – Geologic Information**

### Justification

1. In accordance with sections 507(b)(11), (14) and (15), and 508 (a)(13) of the Act, §780.22 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 2010 annual evaluation reports, information received from the respondents identified in item 8 and ongoing contacts with permit applicants. There are 203 permit applicants with each applicant requiring approximately 24 hours completing this portion of the permit application. Therefore, 203 permit applications x 24 hours per respondent = 4,872 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 6 hours per review = 1,206 hours.

Total burden for all respondents is **6,078 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	11
Samplers	14	29.25	410
Geological Engineer	9	53.89	485
Operations Manager	.5	79.91	40
<b>Total</b>	<b>24</b>		<b>946</b>

Therefore, the estimated wage cost for each industry respondent for §780.22 is \$946. The total wage cost to all industry respondents is  $\$946 \times 203 \text{ permits} = \$192,038$ .

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.22 of each permit application is  $\$35.01 \text{ per hour} \times 6 \text{ hours} = \$210$  (rounded). The total wage cost to all State regulatory authorities is  $\$210 \times 201 \text{ permit applications} = \$42,210$ .

Therefore, we estimate that the burden to all respondents is  $\$192,038$  for industry +  $\$42,210$  for State regulatory authorities =  $\$234,248$ .

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$5,000 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 total cost to all respondents would be  $\$5,000 \times 203 \text{ applications} = \$1,015,000$ .

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 12 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be  $12 \text{ hours} \times \$66.65 = \$800$ .

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 6 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be  $\$800$  (2

findings x 6 hours per finding x \$66.65 per hour).

Total Federal Cost

\$	800	Oversight	
+	\$	800	Federal Programs
	\$	1,600	Total Federal Cost

15. There are currently 42,365 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 6,078 hours as shown below:

	42,365	hours currently approved
-	36,287	hours due to adjustments
	6,078	hours requested

This request includes a non-wage cost of \$1,015,000. This represents an increase of \$328,750 due to adjustments.

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

## **§780.23 – Reclamation Plan: Land Use Information**

### Justification

1. In accordance with sections 508(a)(2)(A), (B), and (C), (a)(3), and (a)(4) of the Act, §780.23 requires 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 2010 annual evaluation reports and the information provided by the companies identified in item 8, there were 203 permit applications submitted, with each applicant requiring approximately 40 hours to prepare the reclamation plan, depending on the acreage of the proposed mine site. Therefore, 203 respondents x 40 hours per response = 8,120 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 SRA's have jurisdiction over 201 of the 203 mines, and they require 7.5 hours to review this section. Therefore, we estimate that the burden to SRA's is 201 mines x 7.5 hours = 1,508 hours.

Total burden for all respondents is **9,628 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in "Identical Responses to Statements" for item 12 on page 10, 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	22.69	45
Environmental Technician	24	29.90	718
Environmental Engineer	13	45.64	593
Operations Manager	1	79.91	80
Total	40		1,436

Therefore, the estimated annual wage cost for each industry respondent for \$780.23 is \$1,436. The total wage cost to all industry respondents is \$1,436 x 203 permits = \$291,508.

In addition, it takes 7.5 hours for each State regulatory authority to review this section of the permit application.

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.23 of each permit application is \$35.01 per hour x 7.5 hours = \$263 (rounded). The total wage cost to all State regulatory authorities is \$263 x 201 permit applications = \$52,863.

Therefore, we estimate that the burden to all respondents is \$291,508 for industry + \$52,863 for State regulatory authorities = \$344,371.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$100 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 \$100 x 203 applications = \$20,300.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$66.65 = \$3,999.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 8 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,066 (2 findings x 8 hours per finding x \$66.65 per hour).

Total Federal Cost

	\$ 3,999	Oversight
+	\$ 1,066	Federal Programs
	\$ 5,065	Total Federal Cost

15. There are currently 37,985 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 9,628 hours as shown below:

37,985 hours currently approved  
- 28,357 hours due to adjustments  
9,628 hours requested

This request includes a non-wage cost of \$20,300. This represents an increase of \$14,675 due to adjustments.

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



**§780.25 - Reclamation Plan:  
Siltation Structures, Impoundments, and Refuse Piles**

Justification

1. In accordance with sections 507(b)(14), 508(a)(5) and (13), 515(a), 515(b)(10) and (11), and 515(f) of the Act, §780.25 requires design and other permit application requirements for siltation structures, impoundments, and refuse piles.
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 2010 annual oversight evaluation reports, we and the states issued 203 new permits for surface mines during that year (201 by the states and 2 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 6 hours to prepare the information required by §780.25 for siltation structures, impoundments, and refuse piles for each permit application. Permit applicants prepare and submit information under regulations and guidance implementing sections 401 and 404

of the Clean Water Act.

We estimate that the total annual burden to permit applicants for compliance with this section will be 1,218 hours (203 applications per year x 6 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 4 hours to review the information required by §780.25 for siltation structures, impoundments, and refuse piles for each permit application.

Therefore, we estimate that the total annual burden for State regulatory authorities to review information submitted for §780.25 will be 804 hours (201 permit applications received by state regulatory authorities per year x 4 hours per application).

The total annual burden for all respondents is **2,022 hours**.

b. Estimated Annual Wage Cost to Respondents.

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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):

Position	Hour Burden per Response	Cost per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.69	11
Engineering Technician	2	29.90	60
Mining Engineer	3	53.89	162
Operations Manager	.5	79.91	40
Totals	6		273

Therefore, the estimated annual wage cost for each industry respondent for §780.25 is \$273. The total wage cost to all industry respondents is \$273 x 203 permits = \$55,419.

In addition, it takes 4 hours for each State regulatory authority to review this section of the permit application.

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.25 of each permit application is \$35.01 per hour x 4 hours = \$140 (rounded). The total wage cost to all State regulatory authorities is \$140 x 201 permit applications = \$28,148.

Therefore, we estimate that the burden to all respondents is \$55,419 for industry + \$28,148 for State regulatory authorities = \$83,567.

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 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 **\$20,300** for all applicants (203 applications x \$100 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government

Oversight: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 18 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 18 hours x \$66.65 = \$1,200.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 4 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$533 (2 findings x 4 hours per finding x \$66.65 per hour).

Total Federal Cost

\$ 1,200 Oversight  
+ \$ 533 Federal programs  
\$ 1,733 Total Federal cost

15. There are currently 33,250 hours approved for this section. Because of a decrease in the number of applicants and number of hours to complete this portion of the application, we are requesting an approval of 2,022 hours as shown below:

33,250 hours currently approved  
- 31,228 hours due to adjustments  
2,022 hours requested

This request includes a non-wage cost of \$20,300. This represents a reduction of \$69,700 due to an adjustment.

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

## **§780.27 - Reclamation Plan: Surface Mining Near Underground Mining**

### Justification

1. In accordance with sections 507(b)(14) and 515(b)(12) of Act, §780.27 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 §816.79.
2. This information is the basis for the regulatory authority to ensure compliance with the requirement of §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 2010 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, there are 203 permit applications with each applicant requiring 10 hours to complete this portion of the application. Therefore, 203 respondents x 10 hours per response = 2,030 total hours.

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

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 5 hours per review = 1,005 hours.

Total burden for all respondents is **3,035 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	23
Mining Engineer	8	53.89	431
Operations Manager	1	79.91	80
Total	10		534

Therefore, the estimated annual wage cost for each industry respondent for §780.27 is \$534. The total wage cost to all industry respondents is \$534 x 203 permits = \$108,402.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.27 of each permit application is \$35.01 per hour x 5 hours = \$175 (rounded). The total wage cost to all State regulatory authorities is \$175 x 201 permit applications = \$35,185.

Therefore, we estimate that the burden to all respondents is \$108,402 for industry + \$35,185 for State regulatory authorities = \$143,587.

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 203 applications = \$5,075.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 10 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 10 hours x \$66.65 = \$667.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$667 (2 findings x 5 hours per finding x \$66.65 per hour).

Total Federal Cost

\$	667	Oversight
+	\$	667
		Federal Programs
	\$	1,334
		Total Federal Cost

15. There are currently 7,405 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 6,689 hours as shown below:

	7,405	hours currently approved
-	4,370	hours due to adjustments
	3,035	hours requested

This request includes a non-wage cost of \$5,075. This represents a reduction of \$550 due to an adjustment.

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



## **§780.28 - Activities in or Adjacent to Perennial or Intermittent Streams**

### 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. The requirements are primarily intended to implement section 515(b)(10)(B)(i) of the Act, 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 the Act, 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 the Act provides the authority for us to adopt regulations implementing those sections of the Act.
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:

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

According to data collected for our FY 2010 annual oversight evaluation reports, we and the states issued 203 new permits for surface mines during that year (201 by the states and 2 by us). Based on the information provided by the persons listed in item 8, we estimate that 60% (121) 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 (121) of permit revisions and amendments, and that each applicant will need 10 hours to prepare the information required by §780.28. Therefore, the total annual burden to permit applicants for compliance with this section would be 2,420 hours (242 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 (119 new permits and 119 permit revisions) will require submittal of the information required by §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 for §780.28 and make the required findings will be 2,380 hours (238 permit and permit revision applications received by State regulatory authorities with activities in buffer zones per year x 10 hours per application).

Total burden for all respondents is **4,800 hours**.

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

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	1	22.69	23
Engineering Technician	5	31.51	158
Mining Engineer	3	53.89	162
Operations Manager	1	79.91	80
Totals	10		423

Therefore, the estimated wage cost to an industry respondent for preparing a permit application under this section is \$423. The total annual wage cost to all industry respondents is \$102,366 (\$423 per application x 242 new permit and permit revision applications per year that involve this section).

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.28 of each permit application is \$35.01 per hour x 10 hours = \$350 (rounded). The total wage cost to all State regulatory authorities is \$350 x 238 permit applications and revisions = \$83,300.

Therefore, we estimate that the burden to all respondents is \$102,366 for industry + \$83,300 for State regulatory authorities = \$185,666.

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 \$24,200 for all applicants (242 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: OSM believes that we will conduct two oversight reviews of this topic in separate one States per year and that each review will require an average of 40 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the program. Therefore, the oversight cost for this section will be 80 hours x \$66.65 = \$5,332.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits and 2 for permit revisions where OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$2,666 (4 findings x 10 hours per finding x \$66.65 per hour).

Total Federal Cost

	\$ 5,332	Oversight
+	\$ 2,666	Federal programs
	\$ 7,998	Total Federal cost

15. There are currently 5,340 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 4,840 burden hours for this section as shown below:

	5,340	hours currently approved
-	540	hours due to adjustments
	4,800	hours requested

This request includes a non-wage cost of \$24,200. This represents a reduction of \$2,800 due to an adjustment.

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

## **§780.29 - Diversions**

### Justification

1. In accordance with sections 507(b)(7) and 508(a)(5) of the Act, §780.29 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 2010 annual evaluation reports, and information received from respondents identified in item 8, there are 203 permit applications with each applicant requiring 16 hours to complete this section of the application. Therefore, 203 respondents x 16 hours per response = 3,248 total hours.

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

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 5 hours per review = 1,005 hours.

Total burden for all respondents is **4,253 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	22.69	23
Mining Engineer	14	53.89	754
Operations Manager	1	79.91	80
<b>Total</b>	<b>16</b>		<b>857</b>

Therefore, the estimated annual wage cost for each industry respondent for \$780.29 is \$857. The total wage cost to all industry respondents is \$857 x 203 permits = \$173,971.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.29 of each permit application is \$35.01 per hour x 5 hours = \$175 (rounded). The total wage cost to all State regulatory authorities is \$175 x 201 permit applications = \$35,185.

Therefore, we estimate that the burden to all respondents is \$173,971 for industry + \$35,185 for State regulatory authorities = \$209,156.

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 \$50x 203 applications = \$10,150.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 24 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 24 hours x \$66.65 = \$1,666.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$667 (2 findings x 5 hours per finding x \$66.65 per hour).

Total Federal Cost

	\$ 1,666	Oversight
+	\$ 667	Federal Programs
	\$ 2,333	Total Federal Cost

15. There are currently 11,580 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 4,253 as shown below:

	11,580	hours currently approved
-	7,327	hours due to adjustments
	4,253	hours requested

This request includes a non-wage cost of \$10,150. This represents a reduction of \$22,475 due to an adjustment.

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



## **§780.31 - Protection of Publicly Owned Parks and Historic Places**

### Justification

1. In accordance with sections 522(e)(1), (2), and (3) of the Act, §780.31 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 2010 annual evaluation reports, studies conducted by OSM, and ongoing contacts with permit applicants, there are 203 permits with each applicant requiring 8 hours to complete this portion of the application. Therefore, 203 respondents x 8 hours per response = 1,624 total hours.

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

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 6 hours per review = 1,206 hours.

Total burden for all respondents is **2,830 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	29.90	209
Operations Manager	1	79.91	80
<b>Total</b>	<b>8</b>		<b>289</b>

Therefore, the estimated annual wage cost for each industry respondent for §780.31 is \$289. The total wage cost to all industry respondents is \$289 x 203 permits = \$58,667.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.31 of each permit application is \$35.01 per hour x 6 hours = \$210 (rounded). The total wage cost to all State regulatory authorities is \$210 x 201 permit applications = \$42,222.

Therefore, we estimate that the burden to all respondents is \$58,667 for industry + \$42,222 for State regulatory authorities = \$100,889.

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 203 applications = \$81,200.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 80 hours x \$66.65 = \$5,332.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 6 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$800 (2 findings x 6 hours per finding x \$66.65 per hour).

Total Federal Cost

	\$ 5,332	Oversight
+	\$ 800	Federal Programs
	\$ 6,132	Total Federal Cost

15. There are currently 3,126 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 2,830 as shown below:

	3,126	hours currently approved
-	296	hours due to adjustments
	2,830	hours requested

This request includes a non-wage cost of \$81,200. This represents a reduction of \$8,800 due to an adjustment.

16. See Identical Responses to Statements.

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

## **§780.33 - Relocation or Use of Public Roads**

### Justification

1. In accordance with sections 507(b)(13) and 522(e) of the Act, §780.33 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 2010 annual evaluation reports and information received from respondents identified in item 8, there are 203 permit applications, with each applicant requiring 12 hours to complete this portion of the application. Therefore, 203 respondents x 12 hours per response = 2,436 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 3 hours per review = 603 hours.

Total burden for all respondents is **3,039 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	53.89	539
Operations Manager	2	79.91	160
Total	12		699

Therefore, the estimated annual wage cost for each industry respondent for §780.33 is \$699. The total wage cost to all industry respondents is \$699 x 203 permits = \$141,897.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.33 of each permit application is \$35.01 per hour x 3 hours = \$105 (rounded). The total wage cost to all State regulatory authorities is \$105 x 201 permit applications = \$21,111.

Therefore, we estimate that the burden to all respondents is \$141,897 for industry + \$21,111 for State regulatory authorities = \$163,008.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$55 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 \$55 x 203 applications = \$11,165.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 40 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 40 hours x \$66.65 = \$2,666.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 3 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$400 (2 findings x 3 hours per finding x \$66.65 per hour).

Total Federal Cost

	\$ 2,666	Oversight
+	\$ 400	Federal Programs
	\$ 3,066	Total Federal Cost

15. There are currently 3,363 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 3,039 as shown below:

	3,363	hours currently approved
-	324	hours due to adjustments
	3,039	hours requested

This request includes a non-wage cost of \$11,165. This represents an increase of \$4,415 due to an adjustment.

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



## §780.35 – Disposal of Excess Spoil

### Justification

1. The regulations at §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.
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***

According to studies that we and the states have previously completed, more than 98% of all excess spoil fills are located in Kentucky, Virginia, and West Virginia. Using data provided by OSM and state personnel from those States, Kentucky reports that in 2010 it issued 188 permitting actions (new permits, revisions, and amendments) involving excess spoil fills on surface mines, while West Virginia reports issuing an average of 68 such actions in 2010. According

to our FY 2010 annual oversight evaluation reports, Virginia and West Virginia issued nearly equal numbers of permits for surface mines in FY 2010, so we will use the same numbers for Virginia as West Virginia; i.e., we estimate that Virginia also issues an average of 68 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 327 permitting actions (new permits, amendments, and major revisions) per year approving excess spoil fills on surface mines (188 in Kentucky + 68 in West Virginia +68 in Virginia + 3 in other states).

Based on information received through consultations with the industry and state representatives, each applicant will need 27 hours to prepare the information required by §780.35. We estimate that the total annual burden to permit applicants for compliance with this section will be 8,829 hours (327 applications with excess spoil fills x 27 hours per application).

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

Consultations with State regulatory authorities indicate that for each application, the regulatory authority will need 18 hours to review the information required by §780.35. We estimate that the total annual burden for State regulatory authorities to review permit applications for §780.35 will be 5,850 hours (325 permit and permit revision applications received per year by State regulatory authorities with proposed excess spoil fills x 18 hours per application).

Therefore, we estimate that the total annual burden for all respondents under this section will be **14,679 hours** (8,829 hours for permit applicants + 5,850 hours for State regulatory authority review).

### b. Estimated Annual Wage Cost to Respondents

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	1	22.69	23
Engineering Technician	18	31.51	567
Mining Engineer	7	53.89	377
Operations Manager	1	79.91	80
Totals	27		1,047

Therefore, the estimated annual wage cost for each industry respondent for §780.35 is \$1,047. The total annual wage cost to all industry respondents is \$342,369 (\$1,047 per application x 327 new permit and permit revision applications per year that involve this section).

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.35 of each permit application is \$35.01 per hour x 18 hours = \$630 (rounded). The total wage cost to all State regulatory authorities is \$630 x 325 permit applications = \$204,809.

Therefore, we estimate that the burden to all respondents is \$342,369 for industry + \$204,809 for State regulatory authorities = \$547,178.

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

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$600 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 \$600 x 327 applications = \$196,200.

b. Operation, Maintenance and Services

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

14. Estimate of Costs to the Federal Government:

Oversight: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 100 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 100 hours x \$66.65 = \$6,665.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 18 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$2,399 (2 applications x 18 hours per application x \$66.65 per hour).

Total Federal Cost

\$ 6,665	Oversight
+ \$ 2,399	Federal programs
\$ 9,064	Total Federal cost

15. There are currently 8,790 hours approved for this section. Due to an increase in the number of permit revisions that involve excess spoil disposal and a reduction in the hours per review by State regulatory authorities, we are now requesting approval of 17,004 burden hours for this section as shown below:

8,790	hours currently approved
+ 5,889	hours due to adjustments
14,679	hours requested

This request includes a non-wage cost of \$196,200. This represents an increase of \$111,200 due to an adjustment.

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

## **§780.37 – Road Systems**

### 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 §§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 2010 annual evaluation reports and information provided by the companies identified in item 8, there were 203 permit applications submitted, with each applicant requiring approximately 30 hours to prepare the engineering plans and drawings for roads. Therefore, 203 respondents x 30 hours per response = 6,090 total hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 10 hours per review = 2,010 hours.

Total burden for all respondents is **8,100 hours**.

Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	31.51	473
Civil Engineer	13	49.50	644
Operations Manager	2	79.91	160
<b>Total</b>	<b>30</b>		<b>1,277</b>

Therefore, the estimated annual wage cost for each industry respondent for \$780.37 is \$1,277. The total wage cost to all industry respondents is \$1,277 x 203 permits = \$259,231.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.37 of each permit application is  $\$35.01 \text{ per hour} \times 10 \text{ hours} = \$350$  (rounded). The total wage cost to all State regulatory authorities is  $\$350 \times 201$  permit applications = \$70,350.

Therefore, we estimate that the burden to all respondents is \$259,231 for industry + \$70,350 for State regulatory authorities = \$329,581.

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  $\$50 \times 203$  applications = \$10,150.

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning \$66.65 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be  $80 \text{ hours} \times \$66.65 = \$5,332$ .

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 10 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,333 ( $2 \text{ findings} \times 10 \text{ hours per finding} \times \$66.65 \text{ per hour}$ ).

Total Federal Cost

\$ 5,332 Oversight  
+ \$ 1,333 Federal Programs  
\$ 6,665 Total Federal Cost

15. There are currently 8,960 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 8,100 as shown below:

8,960 hours currently approved  
- 860 hours due to adjustments  
8,100 hours requested

This request includes a non-wage cost of \$10,150. This represents a reduction of \$1,100 due to an adjustment.

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



## **§780.38 – Support Facilities**

### Justification

1. In accordance with sections 507(b)(14), and 508(a) and 510(b) of the Act, §780.38 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 §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 2010 annual evaluation reports, information provided by the companies identified in item 8, there are 203 permit applications submitted, with each applicant requiring 25 hours to complete this portion of the application. Therefore, 203 respondents x 25 hours per response = 5,075 hours.

***Burden on State Regulatory Authorities***

Our FY 2010 oversight data show that the 24 State regulatory authorities have jurisdiction over 201 of the 203 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 201 mines x 5 hours per review = 1,005 hours.

Total burden for all respondents is **6,080 hours**.

Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, 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	31.51	252
Mining Engineer	15	53.89	808
Operations Manager	2	79.91	160
<b>Total</b>	<b>25</b>		<b>1,220</b>

Therefore, the estimated annual wage cost for each industry respondent for §780.38 is \$1,220. The total wage cost to all industry respondents is \$1,220 x 203 permits = \$247,660.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State engineering technician will earn \$35.01 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.38 of each permit application is \$35.01 per hour x 5 hours = \$175

(rounded). The total wage cost to all State regulatory authorities is  $\$175 \times 201$  permit applications =  $\$35,185$ .

Therefore, we estimate that the burden to all respondents is  $\$247,660$  for industry +  $\$35,185$  for State regulatory authorities =  $\$282,845$ .

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  $\$25 \times 203$  applications =  $\$5,075$ .

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: OSM believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning  $\$66.65$  per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be  $80$  hours  $\times$   $\$66.65$  =  $\$5,332$ .

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSM is the regulatory authority, requiring 5 hours to review each. At an average salary of  $\$66.65$  per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be  $\$667$  (2 findings  $\times$  5 hours per finding  $\times$   $\$66.65$  per hour).

Total Federal Cost

	\$ 5,332	Oversight
+	\$ 667	Federal Programs
	\$ 5,999	Total Federal Cost

15. There are currently 6,730 hours approved for this section. Due to a decrease in the number of applications and number of hours to complete this portion of the application, we are requesting an approval of 6,080 as shown below:

6,730 hours currently approved  
- 650 hours due to adjustments  
6,080 hours requested

This request includes a non-wage cost of \$5,075. This represents a reduction of \$550 due to an adjustment.

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