

**Supporting Statement A**  
**30 CFR 773 – Requirements for Permits and Permit Processing**

**OMB Control Number: 1029-0115**

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."*

## Introduction

The Office of Surface Mining Reclamation and Enforcement (OSM) is submitting this request to continue the collection of information for 30 CFR Part 773 - Requirements for Permits and Permit Processing. The regulations for Part 773 address general and specific requirements for applicants to provide information in the permitting process and for regulatory authorities to review permit applications, determine permit eligibility, and ascribe permit conditions. Part 773 also contains provisions governing provisionally issued permits, improvidently issued permits, and challenges of ownership or control listings and findings. The regulatory provisions under 30 CFR Part 773 are authorized in various sections of the Surface Mining Control and Reclamation Act of 1977, as amended (SMCRA or the Act), Public Law (P.L.) 95-87.

OSM is also seeking approval from the Office of Management and Budget (OMB) to incorporate into this information collection the permit processing fees requirement found in 30 CFR 736.25 for Federal program States, and 750.25 for Indian lands programs. These fees have not been previously submitted to OMB approval through error, and would like to incorporate here.

OMB has previously approved the information collection for 30 CFR Part 773 and assigned control number 1029-0115.

Following are the provisions in 30 CFR Part 773 relevant to this request for continued information collection approval.

- Section 773.6(a)(1) requires an applicant for a new permit, a permit renewal, and a significant revision to provide a copy of the newspaper advertisement announcing its intent to mine in an application for a permit.
- Section 773.6(a)(2) requires an applicant to file a copy of its application at the courthouse or other approved public location in the county where the mining operation is proposed to be located.
- Section 773.6(a)(3) requires regulatory authorities to issue written notification of an applicant's intent to mine to local, State, and Federal government agencies having a regulatory interest in the proposed mining operation.
- Section 773.6(b)(3)(ii) requires a regulatory authority to file written comments or objections received from the public and government agencies at the same public office where the permit application is filed.
- Section 773.7(a) requires regulatory authorities to review applications for permits, revisions, renewals, written comments and objections, and written records of any informal conference or hearing. The purpose of the review is to issue a written decision as to whether an application for a permit, revision or renewal is administratively complete.
- Section 773.10(c) requires regulatory authorities to determine if an applicant, its controllers, its operator, or its operator's controllers have previous mining experience.
- Section 773.12 contains the procedural requirements for regulatory authorities in making permit eligibility determinations, following completion of the reviews at §§773.9, 773.10,

and 773.11. It requires regulatory authorities to review applicant, operator, ownership, control, previous permit(s), compliance, and other available information to make a permit eligibility determination.

- Section 773.14(b) provides for regulatory authorities to determine provisional permit eligibility for applicants who are not eligible for a permit under §773.12.
- Section 773.19(b) requires regulatory authorities to notify local, State, and Federal agencies, with a regulatory interest in surface coal mining, when and to whom a permit is issued.
- Section 773.19(e)(2) requires an applicant to submit a written request for an extension to commence mining operations if such an extension becomes necessary.

Following are the provisions in 30 CFR Part 736 and Part 750 which OSM has not received prior approval and would like to receive OMB approval.

- Sections 736.25 and 750.25 require an applicant for a new permit in Federal program States and on Indian lands to submit fees to OSM to recover costs for processing. OSM is adding this non-wage burden to this collection activity since it relates to the submission of permits and permit processing.

This information collection clearance package submission is estimated to result in a decrease of 2,988 hours to the information collection burden for 30 CFR Part 773 due to adjustments. This request will also result in an increase of \$30,600 in non-wage burden costs associated with adjustments, and a programmatic change of \$55,000 in non-wage burden costs as a result of the inadvertent omission of processing fees authorized by §§736.25 and 750.25.

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

A Summary table of the Information Collection Requirements for 30 CFR Part 773 is shown below.

**SUMMARY**  
**Information Collection**  
**30 CFR Part 773 and Sections 736.25 and 750.25**

Section	Applicant/ Permittee Responses	State Responses	Applicant Burden	State Burden	Total Hours Requested	Currently Approved Hours	Change to Burden
773.6 (a) & (b)	892	881	1.75	2.25	3,543	1,032	2,511
773.7(a)	0	3,436	0	8	27,488	28,608	(1,120)
773.10(c)	0	25	0	5	125	190	(65)
773.12	0	217	0	32	6,944	10,592	(3,648)
773.14(b)	29	29	1	1	58	74	(16)
773.19	22	238	6	2.5	284	934	(650)
736/750.25	4	0	0	0	0	0	0
<b>TOTALS</b>	<b>943</b>	<b>4,826</b>			<b>38,442</b>	<b>41,430</b>	<b>(2,988)</b>

## IDENTICAL RESPONSES TO STATEMENTS

### A. Justification

3. Applicants are required to provide specific information in applications for surface coal mining and reclamation permits. State regulatory authorities are required to provide certain information to OSM as part of the permitting process. The information collected from applicants and States is authorized under SMCRA. Most of the information used in 30 CFR Part 773 is required for disclosure under 30 CFR Part 778.

Most of the information collected for 30 CFR Part 773 and the fees in §§736.25 and 750.25 are conducive to electronic media or transmission. Since 1987, entity, legal, permit history, and compliance information has been maintained for permit history, active permitting, and enforcement purposes in OSM's Applicant/Violator System (AVS). OSM and 24 approved State regulatory programs maintain and use AVS for a variety of purposes, including permitting and enforcement. The industry and general public may also obtain access to AVS to view applicant, permittee, permit history, and violation information. On request, OSM also provides business organization information from AVS in electronic form to applicants, operators, and Abandoned Mine Land (AML) program contractors.

Virtually all State regulatory authorities have the capability of receiving permit applications electronically, either through an ftp site or via CD-ROM. Some permit applicants use computer technology to create, store, and submit information electronically, but the percentage varies based on the size of the company and their technical abilities. Larger coal companies have in-house staff or hire engineering firms to prepare their applications. These companies use automated technology to prepare and submit the applications to State regulatory authorities. Small coal companies, which may not have the technical capability or personnel capable of preparing and submitting applications, may still submit paper forms. Once the State regulatory authorities receive paper applications, some will convert the applications to an electronic format for review and processing. The states with the greatest number of permit applications, such as Kentucky, Virginia and West Virginia receive 100% electronically, while some receive 0%. Nationally, OSM estimates that the State regulatory authorities receive approximately 50% of permit applications electronically.

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

4. The required information under 30 CFR Part 773 and the processing fees in §§736.25 and 750.25 is unique to each applicant for a surface coal mining permit. No other source of the information is available. Respondents are companies in the coal mining



business who apply for permits to mine coal using surface coal mining methods and State regulatory authorities with review and decision-making requirements in permitting processes.

5. There are no special provisions for small businesses or other small entities under these regulations. Data available to OSM from another Federal agency indicates that 96% of the approximate 1,100 coal mining operators in the United States qualify as a small business under Small Business Administration regulations. However, OSM does have a small operator assistance program, regulated under 30 CFR Part 795, which has a separately approved information collection clearance number.
6. Respondents provide information required by 30 CFR Part 773 and submit the fees in §§736.25 and 750.25 only at the time of application for a new permit or other permitting action. Less frequent collection of the information would compromise the accuracy and completeness of information required for nationwide permitting and enforcement purposes and would not be in compliance with the Act.
7. Information collection for 30 CFR Part 773 and the fees authorized in §§736.25 and 750.25 is consistent with 5 CFR 1320.5(d)(2), except for the number of copies of an application required to be submitted to a State regulatory authority. States require from one to five copies of an application, depending on the State, regardless of whether the application is in electronic or paper form.
8. OMB has previously approved OSM's information collection authority for 30 CFR Part 773, but has not approved the collection authority for the processing fees in §§736.25 and 750.25. OMB's most recent review and approval was the result of OSM's request for continued information collection approval in September 2009. OMB has assigned control number 1029-0115 to our information collection authority in Part 773.

Federal Regulatory Authority Official Contacted:

Debbie Effler  
Office of Surface Mining Reclamation and Enforcement  
Knoxville, Tennessee Field Office  
865-545-4103, extension 144

State Regulatory Authority Officials Contacted:

Daron Haddock, Coal Manager  
Division of Oil, Gas, and Mining  
Utah Department of Environmental Resources  
1594 West North temple, Suite 1210  
Salt Lake City, UT 84116  
801-538-5325

Greg Baker  
Division of Mined Land Reclamation  
Virginia Department of Mines, Minerals and Energy  
3405 Mountain Empire Road  
P.O. Drawer 900  
Big Stone Gap, VA 24219  
276-523-8160

Coal Mining Industry Officials Contacted:

Dennis Ware, Controller  
Castle Gate Holding Company  
P.O. Box 30  
Helper, UT 84526-0030  
435-650-2951

Chris Hansen, Environmental Engineer  
Canyon Fuel Company, LLC  
HC 35 Box 380  
Helper, UT 84526  
435-448-2669

Greg Clark  
Maxxim Shared Services (w/Alpha Natural Resources)  
5703 Crutchfield Drive  
Norton, VA 24273  
276-679-7031

The Federal official agrees that the current information collection requirements in 30 CFR Part 773 for industry respondents is not burdensome and neither are the reviews required by State respondents in this Part. The industry officials stated the information collection in 30 CFR Part 773 is not especially burdensome.

On October 3, 2012, OSM published in the Federal Register (77 FR 60459) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. OSM does not provide payments or gifts to respondents.
10. No confidential information is solicited or required under the information collection requirements for this collection request. If an applicant identifies information in an application it wants to remain confidential, regulatory authorities rely upon the

regulatory provisions at 30 CFR 773.6(d) to ensure confidentiality of qualified information. There are limitations to information that may qualify for confidentiality.

11. Not applicable. No sensitive information is solicited or required for this collection.
16. Not applicable. OSM has no plans to publish the information collected under 30 CFR Part 773 or §§736.25 and 750.25.
17. Not applicable. OSM does not seek a waiver from the requirement to display the expiration date of the OMB approval of the information collection under 30 CFR Part 773. The OMB control number is 1029-0115 and is found in §773.3.
18. Not applicable. There are no exceptions to the certification statement.

## Section 773.6 – Public participation in permit processing

### Justification

1. Section 773.6 provides for public participation in permitting processes. The legal authority for this section is found in sections 102(b) and 102(i), and section 507 of SMCRA. The information for §773.6 is required from applicants in order for the public to assess if there are adverse effects anticipated from a proposed surface mining operation.
2. Respondents of 30 CFR Part 773 are applicants for new surface coal mining permits, significant permit revisions, permit renewals, and State regulatory authorities. Applicants are required to advertise their intent to mine in order to allow the public in the vicinity of the proposed mining to comment on such intent. Applicants are also required to file a complete copy of an application for a new permit, a significant permit revision, or a permit renewal at the county court house where the mining is proposed to occur.  
  
State regulatory authority respondents are required to notify local governments, Federal and State agencies that an applicant intends to mine, the land to be mined, and the location where comments on the application may be submitted. Section 773.6 also requires State regulatory authorities to file the written comments and any objections at the same public office where the application is filed.
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. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

The total number of applications annually submitted for new permits, renewals, and significant revisions by industry respondents, for both surface and underground mines, is estimated to be 892. The estimated number of applications is based upon data collected for the 2010 evaluation year and represents a substantial increase from our previous request. This increase is attributed to correcting the previous request, where it appears that we may not have included the permit renewals and significant revisions in our total, as well as including the underground mine permit applications with the surface mine permit applications. To determine what percent of the three types of revisions reported in Table 3 of the annual report are “significant” we consulted with OSM staff in Tennessee and our Western region and arrived at a nationwide figure of 2%. The other 98% of revisions are considered “minor” and not subject to these requirements. The following table shows the estimated burden hours for industry respondents (Federal and State applicants) and State regulatory authority respondents under §773.6. Some calculations have been rounded.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State Hours per Response	Total Hours
773.6(a)(1)	892	0	.75	0	669
773.6(a)(2)	892	0	1	0	892
773.6(a)(3)	0	881	0	.25	220
773.6(b)(3)(ii)	0	881	0	1	881
773.6(b), (c) and (d)	0	881	0	1	881
TOTALS	892	881	1.75	2.25	3,543

We estimate that each of the 892 applicants will require a total of 1.75 hours to provide a copy of the newspaper advertisement announcing its intent to mine in an application for a permit, and to file a copy of its application at the courthouse or other approved public location in the county where the mining operation is proposed to be located. This estimated burden for industry respondents has increased from our previous request based on the recent data from the operators we contacted. They told us that their office is not always located close to where the courthouse covering the location of where the mine site is situated. The travel time to the nearest courthouse can sometimes be one hour round trip, including time to park, load the files onto a hand cart, find the correct office, and discuss the issue with someone at the courthouse. Additionally, some of the operators report that they will send a person to the courthouse to collect the permit application once it has been available to the public for the required time. The number of respondents has significantly increased since prior collection requests inadvertently omitted applications for renewals and significant revisions. We estimate the information collection burden for industry respondents will be 1,561 hours (892 applications x 1.75 hours per application).

We estimate 881 of the 892 total applications will be applications for State permits. We estimate State regulatory authorities will require a cumulative 2.25 hours per application to review and prepare the notice required for this section. Therefore, we estimate the review burden to States for §773.6 is 1,982 hours (881 State applications x 2.25 hours per review).

Therefore, the total estimated information collection burden for all respondents for §773.6 is 3,543 hours (1,561 hours for applicants + 1,982 hours for State regulatory authorities).

b. Estimated Wage Cost to Respondents

OSM estimates that the industry office support staff will incorporate the newspaper advertisement announcing the mine plan into the application, and to deliver the application to the local court house or library near the location of the proposed minesite. OSM estimates that the administrative staff will earn a wage of \$16.83 per hour based on Bureau of Labor Statistics (BLS) estimates found at [http://www.bls.gov/oes/2008/may/naics4\\_212100.htm#b43-0000](http://www.bls.gov/oes/2008/may/naics4_212100.htm#b43-0000). Assuming benefits of 1.4 of the salary according to the BLS news release USDL-12-1830 for EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2012 at - <http://www.bls.gov/news.release/pdf/ecec.pdf>), industry wage cost per application is \$23.56, and the cost to all of industry is \$36,777 (892 applications x \$23.56 per hour x 1.75 hours per application).

In addition, the State employee who reviews this portion of the application and prepares the written notice would have the equivalent salary of an engineering technician at \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above, for State government employees). The estimated total wage cost for all State employees is \$67,178 (881 applications reviewed x \$33.89 per hour x 2.25 hours per application).

Therefore, the total cost to all respondents is \$103,955 (\$36,777 for industry + \$67,178 for States).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §773.6 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements for this section apart from the newspaper advertisement required under §773.6(a)(1). The newspaper advertisements are estimated to cost \$60 each. Therefore, the total cost of newspaper advertisements to respondents is estimated to be \$53,520 (\$60 x 892 respondents).

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.6 in the absence of an indication of problems. OSM estimates it will conduct one oversight review of §773.6 in one State per year. OSM estimates that the oversight review will require 20 hours. This estimate of review time is unchanged from our previous request for information collection approval. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$1,155 (\$57.76 X 20 hours).

Federal Programs. OSM estimates it will annually receive approximately 11 applications for permits on Federal lands and in Federal programs. This estimate is based upon data collected for the 2010 evaluation year. We estimate OSM will require 1 hour to review the information provided under §773.6. This estimate is unchanged from our previous request for information collection approval for §773.6 in Federal programs. The average salary used to estimate Federal wage costs is \$57.76 per hour with benefits as noted above. Therefore, the estimated cost to OSM to review the 11 Federal applications under §773.6 is \$635 (11 applications x 1 hour per review x \$ 57.76 per hour).

Therefore, the total cost to the Federal Government for §773.6 is estimated to be \$1,790 (\$1,155 for oversight + \$635 for Federal programs).

15. The estimated change in burden hours is shown below.

1,032	hours currently approved
+ 2,511	hours due to adjustments
3,543	hours requested

This collection request includes \$53,520 in non-wage costs, an increase of \$30,600 due to adjustments.

16. See Identical Responses to Statements.

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



## Section 773.7(a) – Review of permit applications

### Justification

1. Section 773.7(a) requires regulatory authorities to review applications for new permits, permit revisions, permit renewals, written comments and objections on these applications, and written records of any informal conference or hearing held on these applications. Section 773.7(a) is authorized under section 510(a) of SMCRA. The end product of these reviews is a written decision issued by regulatory authorities as to whether an application for a new permit, permit revision, or permit renewal is administratively complete.
2. Respondents under section 507(a) are State regulatory authorities. State regulatory authorities are required to review each application for a new permit, permit revision, and permit renewal. State regulatory authorities also are required to review any comments and objections submitted on an application for a new permit, permit revision, or permit renewal as well as the record of any informal conference or hearing held concerning an application for a new permit, permit revision, or permit renewal. After the reviews in §773.7, the State regulatory authority is required to issue a written decision as to whether an application is administratively complete. Only an administratively complete application will continue through the review process in 30 CFR Part 773 towards a regulatory authority determination of permit eligibility under §773.12 and the additional provisions under 30 CFR Part 773.
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. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

The total number of applications annually submitted by industry respondents' totals 3,625 and is broken down as follows: new permits – 197 surface and 57 underground; permit renewals – 388 surface and 194 underground; and permit revisions – 1,900 surface and 889 underground. These estimated numbers are based upon data collected for the 2010 evaluation year and represent a slight decrease from our previous request.

The respondents for §773.7 are State regulatory authorities. We estimate, of the total 3,625 Federal and State applications for permits, 3,436 will be applications for State permits (252 applications for new permits + 2,608 applications for permit revisions + 576 applications for permit renewals). The remaining 189 permit applications will be in Federal program states. We estimate each administrative completeness review will require 8 hours. Therefore, we estimate the total information collection burden for State regulatory authorities under §773.7(a) will be 27,488 hours (3,436 State applications for new permits, permit revisions, and permit renewals x 8 hours per review).

There is no information collection burden for the industry under §773.7(a).

b. Estimated Wage Cost to Respondents

OSM estimates that a State engineering technician will conduct the completeness review and prepare the notice. A engineering technician earning \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above for State government employees), will conduct the review. The estimated total wage cost for all State employees to comply with this section is \$931,568 (3,436 applications reviewed x \$33.89 per hour x 8 hours per review).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §773.7(a) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.7(a) in the absence of indication of problems. OSM estimates it will conduct one oversight review that will require 8 hours. This estimate of review time is unchanged from our previous request for information collection approval. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$462 (rounded) (\$57.76 x 8 hours).

Federal Programs. We estimated 189 applications for new permits, permit revisions, and permit renewals will be submitted where OSM is the regulatory authority. We estimate the administrative completeness review will require 8 hours under Federal programs. Therefore, the cost for each review in a Federal program state would be \$462 (rounded) (\$57.76 x 8 hours), and the annual cost for all completeness reviews by the Federal government would be \$87,318 (\$462 x 189 applications).

Therefore, the cost to the Federal Government for §773.7(a) is estimated to be \$87,780 (\$462 for oversight + \$87,318 for Federal programs).

15. The estimated change in burden hours for respondents is shown below.

28,608	hours currently approved
-	<u>1,120</u> hours due to an estimated decrease in use as an adjustment
27,488	hours requested

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

## Section 773.10(c) – Review of permit history

### Justification

1. Section 773.10 requires regulatory authorities to review an applicant’s permit history as part of a determination of permit eligibility. Under §773.10(c), if a regulatory authority finds, in the course of its review, that an applicant or its operator does not have previous mining experience, the regulatory authority may conduct an additional review under §774.12(f). The legal authority for this section is found in section 507 of SMCRA. The information collected in §773.10(c) is required to ensure that an applicant or its operator possess the expertise to conduct surface coal mining and reclamation operations, or whether another person has the expertise, in compliance with the Act and its implementing regulations.
2. The respondents in §773.10(c) are State regulatory authorities. Section 773.10(c) requires a State regulatory authority to make a finding as to whether an applicant for a surface coal mining permit and its proposed operator have previous mining experience. The information collection burden is incurred when a State regulatory authority determines that neither an applicant nor its operator has previous surface coal mining experience.
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. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

The respondents for §773.10(c) are State regulatory authorities. We estimate 10 percent of the 254 total new permit applications (both for surface and underground mines) or 25 total, are applicants where neither the applicant nor its operator has

previous mining experience. Based on discussions with those identified in item 8, States will require 5 hours to conduct the additional review to determine when neither the applicant nor its operator has previous mining experience. Therefore, we estimate the total burden for §773.10(c) to be 125 hours (25 applications x 5 hours per review).

Industry has no information collection burden under §773.10(c).

b. Estimated Wage Cost to Respondents

OSM estimates that a State engineering technician will conduct the additional operator experience review. At \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above, for State government employees), the estimated total wage cost to comply with this section is \$5,215 (25 applications reviewed x \$41 per hour x 5 hours per review).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §773.10(c) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.10(c) in the absence of indication of problems. OSM estimates that the oversight review will require 5 hours. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$289 (\$57.76 X 5 hours).

Federal Programs. Where OSM is the regulatory authority, we estimate we will identify 1 application (10 percent of 2 Federal applications, rounded up so at least one instance would occur) where neither the applicant nor its operator has any mining experience. We estimate the determination will require 5

hours under Federal programs. This estimate of time is unchanged from our previous request. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government where OSM is the regulatory authority will be \$289 (1 application \$57.76 x 5 hours).

Therefore, the cost to the Federal Government under §773.10(c) is estimated to be \$578 (\$289 for oversight + \$ 289 for Federal programs).

15. The estimated change in burden hours for respondents is shown below.

	190 hours currently approved
-	<u>65</u> hours due to an estimated decrease in use as an adjustment
	125 hours requested

16. See Identical Responses to Statements.

17. See Identical Responses to Statements.

18. See Identical Responses to Statements.

## Section 773.12 – Permit eligibility determination

### Justification

1. Section 773.12 provides for regulatory authority determination of permit eligibility for each applicant and operator identified in an application. The permit eligibility determination under §773.12 is the culmination of the reviews of applicant, operator, ownership, control, permit history, and compliance information provided for under §§773.9 through 773.14 and any other information available to the regulatory authority. The legal authority for this section is found in section 510(c) of the Act. The permit eligibility determination under §773.12 ensures that applicants and operators that are not in compliance with the Act are not granted the benefit of an unconditional surface coal mining permit. This section also provides for the use of AVS to assist regulatory authorities in determining if an applicant and its operator are eligible for a permit. The AVS, due to its function as a repository of national application, permitting, violation, and other information, is considered among other information available to a regulatory authority. The information collected under §773.12 is necessary to comply with section 510(c) of the Act.
2. The respondents in §773.12 are State regulatory authorities. Under §773.12, regulatory authorities are required to determine if an applicant and its operator are eligible for a surface coal mining permit. Regulatory authorities are required to make the determinations in §773.12 following their review under §§773.9 through 778.14. The information is reviewed by regulatory authorities. The information collection burden consists of the composite set of reviews of applicant, operator, ownership, control, previous permit history, and violation and other compliance information. In making a determination, regulatory authorities will generate reports from AVS and review other available information.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Respondents under §773.12 are State regulatory authorities. State regulatory authorities incur an information collection burden in §773.12 where they are required to conduct dispositive reviews under §§773.9 through 773.14 that culminate in a determination under §773.12. We estimate that of the total 254 applications for State permits, 219 applications will survive the administrative completeness review under §773.7(a) and will not be withdrawn, rejected, or returned. This estimate is based upon data collected for the 2010 evaluation year. The estimate represents a more accurate estimate of the number of applications subject to regulatory authority review of permit eligibility under §773.12 following the review for administrative completeness under §773.7(a). State regulatory authorities will review 217 of the 219 total applications for a State permit to make a determination of permit eligibility under §773.12. We estimate each review will require 32 hours. The estimated 32 hours for the review of each application is unchanged from our previous request.

Therefore, the total estimated burden hours for State regulatory authorities under §773.12 are 6,944 hours (217 applications x 32 hours per application).

There is no information collection burden for the industry under §773.12.

b. Estimated Wage Cost to Respondents

OSM estimates that a State engineering technician will conduct the reviews. At \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above, for State government employees), the estimated wage cost to review each application is \$1,084 (\$33.89 x 32 hours), and the total cost to all States to conduct this review is comply with this section is \$235,228 (217 applications reviewed x \$1,084).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §773.12 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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



14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.12 in the absence of indication of problems. OSM estimates it will conduct an oversight review of §773.12 in one State per year and that an oversight review will consist of 10 permit eligibility reviews. This estimate of time is unchanged from our previous request. OSM estimates the oversight review will require 16 hours. This estimate is unchanged from the previous request for information collection approval. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$924 (\$57.76 X 16 hours).

Federal Programs. OSM estimates it will annually receive approximately 2 applications for new permits for lands and operations for which OSM is the regulatory authority. Both applications will survive administrative review and not be withdrawn, rejected, or returned and, as a result, OSM will review every application it receives for permit eligibility under §773.12. This estimate is based upon data collected for the 2010 evaluation year. We estimate each review will require 32 hours. This estimate is unchanged from our previous request.

At an average salary of \$57.76 per hour with benefits as described above, the estimated annual wage cost to the Federal government where OSM is the regulatory authority will be \$3,697 (2 applications x 32 hours per application x \$57.76 per hour).

Therefore, the cost to the Federal Government under §773.12 is estimated to be \$4,621 (\$924 for oversight + \$3,697 for Federal programs).

15. The estimated change in burden hours for respondents is shown below. The estimated increase is due to a more accurate estimate of the number of applications that will actually be subject to permit eligibility review under §773.12.

10,592 hours currently approved
- <u>3,648</u> hours due to an estimated decrease in use as an adjustment
6,944 hours requested

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

## Section 773.14 – Eligibility for provisionally issued permits

### Justification

1. Section 773.14 governs whether a regulatory authority may determine if an applicant is eligible for a provisionally issued permit. A State regulatory authority may consider approval for a provisionally issued permit if an applicant is not eligible for a permit under §773.12 due to an unabated or uncorrected violation. Regulatory authorities may grant a provisionally issued permit to an applicant who meets any one of the four criteria stipulated in §773.14. The legal authority for this section is found in section 510(c) of the Act.
2. The respondents in §773.14 are applicants for permits and State regulatory authorities. Applicants must demonstrate compliance, by means of a proof, with any one of four criteria to be considered for a provisionally issued permit. The criteria to establish a proof are: (1) the violation is being abated to the satisfaction of the regulatory authority with jurisdiction, (2) continuing compliance with the terms of an abatement plan or payment schedule approved by the regulatory authority with jurisdiction, (3) pursuing a good faith challenge of a pertinent ownership or control listing or finding, and (4) pursuing a good faith administrative or judicial appeal contesting the validity of the relevant violation. State regulatory authority respondents must evaluate the proof of compliance submitted by an applicant to determine if the applicant is eligible for a provisionally issued permit. If a regulatory authority finds the proof inadequate, no permit of any kind will be issued.
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. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

We estimate 29 (or 10% of the estimated 287) total applications will result in an applicant ineligible for a permit under §773.12, and therefore, considered for a provisionally issued permit under §773.14. The total number of applicants is based on data collected for the 2010 evaluation year. Applicants of the 29 applications must submit one of the four proofs of compliance to be considered for a provisionally issued permit.

The following table shows the estimated burden hours for information collection. Data in the table are discussed below.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State Hours per Response	Total Hours
773.14(b)	0	29	0	1	29
773.14(b)(1), (2), (3) and (4)	29	0	1	0	29
TOTALS					58

We estimate each applicant will require 1 hour to prepare a proof. The estimated time to prepare a proof is unchanged from our previous request. The total burden for industry respondents for §773.14 is 29 hours (29 required proofs x 1 hour to prepare a proof).

We estimate State regulatory authorities will require 1 hour to review each proof for the 29 applications in order to determine if an otherwise ineligible applicant should be considered for a provisionally issued permit. The total burden for State governments under §773.14 is 29 hours (29 proofs x 1 hour to review each proof).

Therefore, the total estimated information collection burden hours for all respondents under §773.14(b) is 58 hours [(29 proofs x 1 hour per application to prepare a proof) + (29 proofs x 1 hour per application to review each proof)].

**b. Estimated Wage Cost to Respondents**

OSM estimates that each operations manager will include the proof of compliance into the permit application. OSM estimates that the operations manager will earn a wage of \$50.54 per hour based on Bureau of Labor Statistics (BLS) estimates found at [http://www.bls.gov/oes/2008/may/naics4\\_212100.htm#b43-0000](http://www.bls.gov/oes/2008/may/naics4_212100.htm#b43-0000). Assuming benefits of 1.4 of the salary according to the BLS news release, industry wage cost per application is \$70.76, and the cost to all of industry is \$2,052 (29 applications x \$70.76).

In addition, the State employee who reviews this portion of the application would have the equivalent salary of an engineering technician at \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above, for State government employees). The estimated wage cost to review all proofs for applications is \$983 (\$33.89 x 1 hour x 29 proofs reviewed).

Therefore, the total cost to all respondents is \$3,035 (\$2,052 for industry + \$983 for States).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §773.14(b) do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.14(b) in the absence of indication of problems. OSM estimates it will conduct an oversight review of §773.14(b) in one State per year and that the review will consist of 10 percent (assumed to be 2) of proofs for provisionally issued permits in that State. The estimated number of proofs subject to oversight is unchanged from our previous request. OSM estimates the oversight review will require 1 hour. This estimate is of time unchanged from our previous request for information collection approval for §773.14(b).

A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$58 (rounded) (\$57.53 X 1 hour).

Federal Programs. OSM estimates that of the estimated 2 applicants for Federal permits, 1 applicant will be required to submit a proof under §773.14(b) in order to be considered for a provisionally issued permit. We estimate OSM will require 1 hour to review the proof. At an average salary of \$57.76 per hour with benefits as described above, the estimated annual wage cost to the Federal government where OSM is the

regulatory authority will be \$58 (rounded) (1 application x 1 hour per application x \$57.76 per hour).

Therefore, the total cost to the Federal Government for §773.14(b) is estimated to be \$ 116 (\$58 for oversight + \$58 for Federal programs).

15. The estimated change in burden hours for respondents is shown below.

74 hours currently approved  
- 16 hours due to an estimated decrease in use as an adjustment  
58 hours requested

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

## Section 773.19 – Permit issuance and right of renewal

### Justification

1. Section 773.19 governs regulatory authority issuance of a permit. When a permit is issued, regulatory authorities are required to issue written notification of the permitting decision to the applicant, commenters, and local, State, and Federal agencies with an interest in the permitting decision within 10 days of the decision. This requirement ensures all appropriate regulatory agencies and other interested parties are kept informed of those applicants who are issued permits to mine coal. Section 773.19 also requires a permittee to submit a written request for an extension of time to commence mining operations if such an extension becomes necessary. Such written requests are reviewed and decided upon by the regulatory authority. The legal authorities for §773.19 are found in sections 506(c), 510(a), and 513(b) of SMCRA.
2. The respondents in §773.19 are industry respondents (permittees) and State regulatory authorities. After permit approval, permittees must use §773.19 to request an extension to commence mining operations if such an extension becomes necessary. State regulatory authorities are required under §773.19 to notify local, State, and Federal agencies, with a regulatory interest in surface coal mining operations, as to when and to whom a permit is issued, and to notify the applicant, each person who files comments or objections on an application, and each party to any informal conference that is held on an application. Under §773.19, State regulatory authorities also are authorized to grant a reasonable extension of time for a permittee to commence mining operations.
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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate there will be a total of 254 applications for permits annually received by regulatory authorities. This estimate is based upon data collected for the 2010 evaluation year and represents an estimated increase over our previous request.

The following table shows the estimated burden hours for information collection. Data in the table are discussed below.

Section	Applicant Responses	State Responses	Applicant Hours per Response	State Hours per Response	Total Hours
773.19(b) RA notifications	0	216	0	.5	108
773.19(e)(1) Requests for extensions	22	0	6	0	132
773.19(e)(2) RA review of extension requests	0	22	0	2	44
TOTALS	22	238			284

Of the 254 total applications, 252 applications will be for State permits. Of these, 216 applications will survive the administrative completeness review and will not be withdrawn, rejected, or returned. These 216 applications are the number of applications for which permits will be issued and for which State regulatory authorities must provide notification under §773.19(b). We estimate the notifications will require a combined one-half hour for each application. This estimate of the hourly burden is unchanged from our previous request. Therefore the information collection burden for State regulatory authority is 108 (rounded) hours (216 notifications x .5 hour per notification).

We estimate that 22 (or 10% of the total 216) State applicants, now permittees, will request an extension to commence surface coal operations under §773.19(e)(1). This percentage is quite lower than the percentage previously used and is based upon discussions with regulatory authorities in the states of West Virginia and Pennsylvania, two states that issue many new mine permits. They told us that the main reasons that permittees will need this time extension is due to fluctuating coal market prices, litigation, and labor strikes. We estimate that each permittee respondent will require 6 hours to prepare a request for an extension. This estimate is unchanged from our previous request. Therefore, we estimate the information burden for permittees under §773.19(e)(1) will be 132 hours (22 requests for extension x 6 hours per request).

We estimate that the State regulatory authorities will require 2 hours each to review the estimated 22 requests for an extension to commence mining and render a decision under §773.19(e)(2). This hourly burden estimate is unchanged from our previous request. Therefore, we estimate the review burden for State regulatory authorities under §773.19(e)(2) to be 44 hours (22 requests for extension x 2 hours per review).

Therefore, we estimate the total burden hours for all respondents for §773.19 to be 284 hours (132 hours for all permittee extension requests) + (44 hours for State regulatory authority review of the requests for an extension).

b. Estimated Wage Cost to Respondents

OSM estimates that each operations manager will prepare the request for extension to commence mining. OSM estimates that the operations manager will earn a wage of \$50.54 per hour based on Bureau of Labor Statistics (BLS) estimates found at [http://www.bls.gov/oes/2008/may/naics4\\_212100.htm#b43-0000](http://www.bls.gov/oes/2008/may/naics4_212100.htm#b43-0000). Assuming benefits of 1.4 of the salary according to the BLS news release, wage costs per permittee is \$425 (\$70.76 x 6 hours), and the cost to all permittees is \$9,350 (22 requests x \$425).

In addition, the State employee who reviews the extension requests would have the equivalent salary of an engineering technician at \$22.59 per hour, or \$33.89 per hour including benefits of 1.5 of salary (derived from Bureau of Labor Statistics at [http://www.bls.gov/oes/current/naics4\\_999200.htm#17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#17-0000) and the BLS news release referenced above, for State government employees). The estimated total wage cost to review the extension requests is \$1,491 (22 requests x \$33.89 per hour x 2 hours).

Finally, a State employee with a salary equivalent to the technician discussed above requires .5 hours to prepare each of the 216 notification letters, or 108 hours x \$33.89 = \$3,660.

Therefore, the total cost to all respondents is \$9,350 + \$1,491 + \$3,660, or \$14,501.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of 30 CFR 773.19 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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



14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSM does not anticipate significant oversight review of State compliance with §773.19 in the absence of indication of problems. OSM estimates it will conduct an oversight review of §773.19 in one State per year and that OSM will review notification for one permit. OSM estimates the oversight review will require 2 hours. These estimates are unchanged from our previous request. A GS-13, step 5 environmental scientist with a salary of \$44.43 per hour ([http://www.opm.gov/oca/12tables/html/RUS\\_h.asp](http://www.opm.gov/oca/12tables/html/RUS_h.asp)), plus the 1.3 multiplier for benefits which is derived using OSM's Financial and Business Management System, would require \$57.76 per hour. Therefore, the annual cost to the Federal government for oversight is \$116 (\$57.76 X 2 hours).

Federal Programs. OSM estimates it will annually receive 2 applications for new permits where OSM is the regulatory authority. This estimate is based upon data collected for the 2010 evaluation year. We will provide notification under §773.19(b) on 2 applications, each combined notification will require .5 hours, or 1 hour total. We also estimate where OSM is the regulatory authority, it will review 1 request for an extension to commence mining operations under §773.19(e)(2) and the review will require 2 hours to perform, or 2 hours total. The total burden for OSM under Federal programs is 3 hours.

At an average salary of \$57.76 per hour with benefits as described above, the estimated annual wage cost to the Federal government where OSM is the regulatory authority will be \$173 (3 hours x \$ 57.76 per hour).

Therefore, the total cost to the Federal Government under §773.14(b) is estimated to be \$289 (\$116 for oversight + \$173 for Federal programs).

15. This information collection request will decrease due to a decrease in use. The collective impact on the currently approved burden hours under §773.19 is shown below.

934 hours currently approved  
- 650 hours due to an estimated decrease in use as an adjustment  
284 hours requested

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

## Sections 736.25 and 750.25 – Permit fees

### Justification

1. Sections 736.25 and 750.25 govern new permit applicants' fees in Federal program States and on Indian lands, respectively. When a new permit application is received in a Federal program State or on Indian lands, the applicant must submit processing fees to OSM based on a fee schedule. The legal authority for regulatory authorities to collect permit fees is found in section 507(a) of SMCRA.
2. The respondents in §§736.25 and 750.25 are industry respondents (permittees). The applicant for a new permit may submit all fees upon application submission, or in stages as follows:
  - (a) *Administrative completeness review.* An applicant who pays by stage of review shall submit the administrative completeness review fee with the permit application.
  - (b) *Technical review.* Following receipt from OSM of a notice of administrative completeness, an applicant who pays by stage of review shall submit the technical review basic fee, plus the per-acre fee for each acre of disturbed area or fraction thereof to be included in the permit area.
  - (c) *Permit issuance.* Following receipt from OSM of a notice of technical adequacy, an applicant who pays by stage of review shall submit the decision document fee.
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. Estimated Information Collection Burden

We estimate there will be a total of 4 applications for new permits annually received by OSM as the regulatory authority in Federal program States and on Indian lands. This estimate is based upon data collected from the 2009 through 2011 evaluation years. There is no hourly burden associated with this section.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

This information collection request seeks to incorporate the processing fees authorized in 30 CFR 736.25 and 750.25 as a start-up cost for new permit applications in Federal program States. Applicants for a new permit may submit processing fees when they submit their permit application, or in a schedule as follows:

Administrative completeness review	\$250.00
Technical review:	
Basic fee	1350.00
Fee per acre of disturbed area in permit area:	
First 1,000 acres	13.50/acre
Second 1,000 acres	6.00/acre
Third 1,000 acres	4.00/acre
Additional acres	3.00/acre
Decision Document	2000.00

OSM is the regulatory authority in two Federal Program States – Tennessee and Washington and on Indian lands. In Tennessee, a typical permit application will include 200 acres, and in Washington and on Indian lands, a typical permit application will include 6,000 acres.

Based on the fee schedule, the typical fee for a new permit applicant in Tennessee would be:

\$250 for an administrative completeness review + \$1,350 for a technical review + \$2,000 for a decision document + \$2,700 based on acreage = \$6,300.

Assuming that OSM will receive three new permit applications in Tennessee each year based on data from 2009 to 2011, fees submitted by respondents in Tennessee will total \$18,900 (3 permits x \$6,300 in processing fees).

Based on the fee schedule, the typical fee for a new permit applicant in Washington and on Indian lands would be:

\$250 for an administrative completeness review + \$1,350 for a technical review + \$2,000 for a decision document + \$32,500 based on acreage = \$36,100.

Assuming that OSM will receive one new permit application in Washington or on Indian lands each year based on data from 2009 to 2011, fees submitted by respondents in on these lands will total \$36,100 (1 permit x \$36,100 in processing fees).

Therefore, the average non-wage cost burden for all respondents for §§736.25 and 750.25 is \$55,000.

b. Operations and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

There is no cost to the Federal government as a result of this collection.

15. This information collection request will add \$55,000 in non-wage costs for respondents as a result of a programmatic change – the inclusion of processing fees for new permit applications in Federal program States and on Indian lands previously omitted in §§736.25 and 750.25 – Permit Fees.
16. See Identical Responses to Statements.
17. See Identical Responses to Statements.
18. See Identical Responses to Statements.