

Supporting Statement A
30 CFR Part 784: Underground Mining Permit Applications—
Minimum Requirements for Reclamation and Operation Plan

OMB Control Number 1029-0039

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. Instead, this cost should be included under "Annual Cost to Federal Government."*
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 information collection clearance package to request authority to collect information and require retention of records under 30 CFR Part 784 - Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. Part 784 specifies what an applicant for a permit for an underground coal mine must include in the reclamation plan component of the permit application. OMB previously renewed and approved the collection of information and recordkeeping requirements for this part under control number 1029-0039.

Each section of 30 CFR Part 784 is discussed separately. Because the responses to some items in the instructions for the supporting statement are identical for each section; those responses appear on pages 8 – 10 of this document. Except as otherwise noted in the supporting statements for individual sections, the respondents and potential respondents consist of 39 underground coal mining permit applicants, together with 24 state regulatory authorities.

The tables below summarize the hours for which clearance is requested for Part 784, the total burden hours for each section currently approved by OMB, and the changes we are now requesting. We are requesting 13,200 burden hours, a decrease of 8,561 hours from the currently approved level of 21,761 hours. The decrease is a result of adjustments in the number of responses, and in individual respondent burden.

SUMMARY FOR 30 CFR PART 784

Section	Industry Responses	Industry Hours per Response	State Responses	State Hours per Response	Total Hours Requested	Currently Approved Burden Hours	Changes to Burden Hours
784.11	39	4	38	3	270	431	-161
.12	6	6	5	2.25	47	204	-157
.13	39	53	38	4.5	2,238	3,561	-1,323
.14	39	40	38	8.75	1,893	3,014	-1,121
.15	39	6	38	1	272	433	-161
.16	39	16	38	10	1,004	1,602	-598
.17	1	6	1	5	11	11	0
.18	18	8	17	2	178	278	-100
.19	29	9	28	12	429	975	-546
.20	39	12	38	4	620	988	-368
.21	39	4	38	8	460	736	-276
.22	39	24	38	6	1,164	1,854	-690
.23	39	40	38	7.5	1,845	2,938	-1,093
.24	39	20	38	4.5	951	1,515	-564
.25	21	6	20	4	206	336	-130
.28	21	10	20	10	410	970	-560
.29	39	16	38	5	814	1,297	-483
.30	39	8	38	2	388	618	-230
TOTALS					13,200	21,761	-8,561

SUMMARY OF NON-WAGE COSTS FOR 30 CFR PART 784

Section	Total Non-Wage Costs (\$)	Total Federal Costs (\$)
784.11	3,900	2,308
784.12	600	1,424
784.13	19,500	3,437
784.14	97,500	4,517
784.15	780	687
784.16	6,552	3,436
784.17	550	393
784.18	900	491
784.19	10,500	2,553
784.20	19,500	1,374
784.21	7,800	785
784.22	195,000	884
784.23	3,900	3,339
784.24	1,950	2,014
784.25	2,100	392
784.28	2,100	2,946
784.29	1,900	1,424
784.30	3,900	687
TOTAL S	378,932	33,091

List of Items with Identical Responses

A. Justification

3. At the discretion of the regulatory authority, persons may submit responses electronically to the extent that both parties have the requisite technical capability. Further, permit applicants have been increasingly using electronic means to prepare their permit applications using word processing, AutoCAD and GPS software applications. Several states, such as Kentucky and Virginia, receive 90% of their permit applications electronically. Other states are not yet prepared to receive applications electronically because of other priorities or the limited size of their program. We estimate that on a national basis, 50% of all permit applications are submitted by electronic means. We hope that this figure will improve over time as more states and permit applicants realize the time and cost savings associated with electronic submissions.
4. The information requested under 30 CFR Part 784 is collected infrequently (generally only once, at the time that a person applies for a permit). Therefore, duplication is minimal to nonexistent. When submitting an application for a permit revision, permittees may cross-reference relevant materials previously submitted in a permit application.
5. There are no special provisions for small organizations. While small operators may be eligible for financial assistance under the Small Operators Assistance Program (SOAP), Congress has not appropriated money for that program in recent years.
6. A reduction in the frequency of collection is not possible because the information requested under 30 CFR Part 784 is collected only once for each site.
7. No collection of information under 30 CFR Part 784 is inconsistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting statement.
8. To determine the burden that would be placed on respondents by the revisions to 30 CFR Part 784, OSM relied on information supplied by our Knoxville Field Office, which processes permit applications for lands for which OSM is the regulatory authority in the Appalachian Region, and contacted the following state regulatory authorities and a mining consulting firm that prepares mining permit applications. We supplied a concise description of the proposed revisions along with a request for input on the associated information collection requirements and any other comments they wished to make regarding the clarity of the rules and potential burdens.

Jim Pierce, Lead Permitting Engineer
West Virginia Department of Environmental Protection
Division of Mining and Reclamation
1101 George Kostas Drive
Logan, WV 25601

Phone: 304-792-7250
Email: jpierce@wvdep.org

Mark Carew
Kentucky Department of Natural Resources
Division of Mine Permitting
#2 Hudson Hollow Complex
Frankfort, KY 40601
Phone: (502) 564-2320
Email: Mark.Carew@ky.gov.

Jim Canterbury
Summit Engineering Inc.
400 Allen Drive, Suite 100
Charleston, WV 25302
Phone: 304-342-1342
Email: jcanterbury@summit-engr.com

The persons listed above had no concerns or complaints to the requirements of 30 CFR 784.11 thru .30.

On August 3, 2011, OSM published in the Federal Register (76 FR 46841) 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 and state regulatory authorities provide no payments or gifts to respondents except for grants to states authorized by law.
10. The permit applicant has the right to request confidentiality for certain information, for example, analyses of the chemical and physical properties of the coal to be mined. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential if requested by the permit applicant and approved by the regulatory authority. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archeological resources on public lands and Indian lands be kept confidential.
11. Not applicable. Sensitive questions are not asked.
12. OSM has estimated wage costs for respondents: industry and state regulatory employees. OSM has derived these wages from the Bureau of Labor Statistics (BLS) websites at (http://www.bls.gov/oes/current/naics4_212100.htm for industry wages, and http://www.bls.gov/oes/current/naics4_999200.htm#b00-0000 for state employee wages. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel and 1.5 for state employees per the BLS news release USDL-11-1305,

EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2011, dated September 8, 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

14. Wage costs for OSM employees are calculated based on the Office of Personnel Management website <http://www.opm.gov/oaca/11tables/html/gsh.asp>). Salaries for Federal employees in this section include a benefits rate of 1.5 per the BLS news release USDL-11-1305, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2011, dated September 8, 2011 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
16. Not applicable. OSM has no plans to publish the information collected.
17. Not applicable. OSM is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.
18. Not applicable. There are no exceptions to the certification statement, "Certification for Paperwork Reduction Act Submissions."

***Supporting Statement for Reporting Requirements of
Section 784.11***

A. Justification

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.11 reflect this requirement. The underlying statutory provisions upon which the rule is based include section 507(b)(7), which requires a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used in the mining operation, and section 508(a)(5), which requires submission of the engineering techniques to be used in mining and reclamation and a description of the major equipment to be used.
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 of this Chapter.

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

Based on data from the 2010 evaluation year, we and the 24 state regulatory authorities annually receive approximately 39 new permit applications for underground mines (38 by states and one by us), all of which must include the information required by 30 CFR 784.11. We estimate that each applicant requires 4 hours to collect this information. Therefore, the annual burden to permit applicants for compliance with this section totals **156 hours** (39 applications x 4 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **114 hours** (38 permit applications received by state regulatory authorities x 3 hours per application).

Therefore, the total annual burden for all respondents is **270 hours** (156 hours for permit applicants + 114 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Position	Industry Wage Cost		
	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Engineering Technician	2	31.51	63.02
Mining Engineer	1	58.79	58.79
Total	4		146.41

Therefore, the estimated total annual wage cost for each industry respondent for §784.11 is \$146 (rounded). The total wage cost to all industry respondents is \$146 x 39 permits = \$5,694.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.11 of each permit application is \$33.71 per hour x 3 hours = \$101.13. The total wage cost to all state regulatory authorities is \$101.13 x 38 permit applications = \$3,843.

Therefore, we estimate that the burden to all respondents is \$5,694 for industry + \$3,843 for state regulatory authorities = \$9,537.

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

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and includes permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analysis, and postage. This cost is \$100 per application, or **\$3,900** (\$100 x 39 applications) for all applicants.

b. Operation, Maintenance and Services

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of State program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.11 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$1,964.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new underground mine permit for lands and operations for which OSM is the regulatory authority, requiring 7 hours to review. At an average salary of \$49.10 per hour as referenced above, the annual wage cost to the Federal government to review the narrative explaining construction, maintenance and use of facilities will be \$344 (1 application x 7 hours per finding x \$49.10 per hour).

Total Federal Cost

	\$ 1,964	Oversight
+	\$ 344	Federal Programs
	\$ 2,308	Total Federal Cost

7808. There are currently 431 hours approved for this section. We anticipate an adjustment that will reduce the burden by 161 hours because of an estimated decrease in the number of respondents. The burden will change as follows:

$$\begin{array}{r} 431 \text{ hours currently approved} \\ - \underline{161 \text{ hours due to an adjustment}} \\ 270 \text{ hours requested} \end{array}$$

This request will also result in a burden reduction of \$2,300 for non-wage costs due to the adjustment in respondents for a new total of \$3,900.

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

***Supporting Statement for Reporting Requirements of
Section 784.12***

A. Justification.

1. Section 507(b)(13) of SMCRA 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. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA, including those of section 507(b)(13), are applicable to surface operations and surface impacts of underground mines.
2. The regulatory authority uses the information collected under this section to determine if existing structures can comply with the performance standards in Part 817 of our regulations, and, if not, what modifications are needed.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us). Based on contacts with state agencies and permit applicants, we estimate that approximately 15% (6) of those permit applications propose to use existing structures and therefore must supply this information, which requires an estimated 6 hours to prepare. Therefore, the total annual burden on permit applicants for compliance with this section is **36 hours** (6 permit applications x 6 hours per application).

The total annual burden for state regulatory authorities to review this portion of the

permit application is approximately **11 hours** (5 permit applications received by state regulatory authorities x 2.25 hours per application).

Therefore, the total annual burden for all respondents is **47 hours** (36 hours for permit applicants + 11 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Engineering Technician	4	31.51	126.04
Mining Engineer	1	58.79	58.79
Total	6		209.43

Therefore, the estimated annual wage cost for each industry respondent for \$784.12 is \$209 (rounded). The total wage cost to all industry respondents is \$209 x 6 permits = \$1,254.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review \$784.12 of each permit application is \$33.71 per hour x 2.25 hours = \$75.85. The total wage cost to all state regulatory authorities is \$75.85 x 5 permit applications = \$379.

Therefore, we estimate that the burden to all respondents is \$1,254 for industry + \$379 for state regulatory authorities = \$1,633.

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

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and include permit applications costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analyzes, and postage. This cost is \$100 per respondent. The total costs for all permit applicants would be **\$600** (6 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: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.12 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 20 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$982.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for an underground permit for lands and operations for which OSM is the regulatory authority, requiring 9 hours to review. At an average salary of \$49.10 per hour as referenced above, the annual wage cost to the Federal government to review the narrative on existing structures will be \$442 (1 application x 9 hours per review x \$49.10 per hour).

Total Federal Cost

\$	982	Oversight	
+	\$	442	Federal Programs
	\$	1,424	Total Federal Cost

15. There are currently 204 hours approved for this section. We anticipate an adjustment that will reduce the burden by 157 hours because of an estimated reduction in the number of respondents. The burden will change as follows:

	204	hours currently approved
-	157	hours due to an adjustment
	47	hours requested

This request will also result in a burden reduction of \$1,900 for non-wage costs due to the adjustment in respondents, for a new total of \$600.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 784.13***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. Sections 507(d) and 508(a) of SMCRA requires that each permit application include a reclamation plan containing certain information. The regulations at 30 CFR 784.13 implement this requirement for underground mines.
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 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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each

applicant requires 53 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **2,067 hours** (39 applications x 53 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **171 hours** (38 permit applications received by state regulatory authorities x 4.5 hours per application).

Therefore, the total annual burden for all respondents is **2,238 hours** (2,067 hours for permit applicants + 171 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	5	24.60	123.00
Environmental Technician	30	29.90	897.00
Environmental Engineer	15	45.64	684.60
Operations Manager	3	79.91	239.73
Total	53		\$1,944.33

Therefore, the estimated annual wage cost for each industry respondent for \$784.13 is \$1,944 (rounded). The total wage cost to all industry respondents is \$1,944 x 39 permits = \$75,816.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review \$784.13 of each permit application is \$33.71 per hour x 4.5 hours = \$152. The total wage cost to all state regulatory authorities is \$152 x 38 permit applications = \$5,776.

Therefore, we estimate that the burden to all respondents is \$75,816 for industry + \$5,776 for State regulatory authorities = \$81,592.

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

a. Capital and Start-Up Costs.

Non-labor cost information was provided by the engineering companies and include permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analyzes, and postage. This cost is \$500 per respondent. The total costs for all applicants would be **\$19,500** (39 applications x \$500 per application).

b. Operation, Maintenance and Services.

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.13 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 60 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$2,946.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for an underground permit for lands and operations for which OSM is the regulatory authority, requiring 10 hours to review. At an average salary of \$49.10 per hour as referenced above, the annual wage cost to the Federal government to review the narrative on existing structures will be \$491 (1 application x 10 hours per review x \$49.10 per hour).

Total Federal Cost

	\$ 2,946	Oversight
+	\$ 491	Federal Programs
	\$ 3,437	Total Federal Cost

15. There are currently 3,561 hours approved for this section. We anticipate a decrease in the number of applications. The adjustment will decrease the burden by 1,323 hours. The burden will change as follows:

	3,561	hours currently approved
-	1,323	hours due to an adjustment
	2,238	hours requested

This request will also result in a burden reduction of \$11,500 for non-wage costs due to the adjustment in respondents, for a new total of \$19,500.

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

***Supporting Statement for Reporting Requirements of
Section 784.14***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.14 reflect this requirement. Section 507(b)(11) of SMCRA requires that the application include a determination of the probably hydrologic consequences of the proposed operations. Section 508(a)(13) of SMCRA requires that the application include a detailed description of the measures to be taken to protect the quality and quantity of surface and ground water systems and the rights of water users. Section 517(b)(2) of SMCRA requires that the permittee monitor both surface and ground water systems. Collection and analysis of the baseline hydrologic information required by 30 CFR 784.14 is an integral element of meeting those statutory requirements and determining the effects of mining and reclamation. Collection of this information is necessary to predict whether mining may have adverse impacts on the hydrologic balance and, if so, to develop plans for remedial and restorative measures.
2. The permit applicant uses the information collected under 30 CFR 784.14 to develop the determination of the probable hydrologic consequences of the proposed operation, as required by the statute, and to provide a baseline for the monitoring program also required by the statute. The regulatory authority uses the information to assist in evaluating the probable impacts of the operation on surface and ground water systems and in preparing the cumulative hydrologic impact assessment, as well as determining whether the operation has been designed to meet the hydrologic protection requirements of the statute.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 40 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **1,560 hours** (39 applications x 40 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **333 hours** (38 permit applications received by state regulatory authorities x 8.75 hours per application).

Therefore, the total annual burden for all respondents is **1,893 hours** (1,560 hours for permit applicants + 333 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	5	24.60	123.00
Earth Drillers	30	32.00	960.00
Geological Engineer	15	53.89	808.35
Operations Manager	3	79.91	239.73
Total	53		\$2,131.08

Therefore, the estimated annual wage cost for each industry respondent for §784.14 is \$2,131. The total wage cost to all industry respondents is \$2,131 x 39 permits = \$83,109.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.14 of each

permit application is \$33.71 per hour x 8.75 hours = \$295. The total wage cost to all state regulatory authorities is \$295 x 38 permit applications = \$11,210.

Therefore, we estimate that the burden to all respondents is \$83,109 for industry + \$11,210 for State regulatory authorities = \$94,319.

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

a. Capital and Start-Up Costs.

Non-labor costs for each application are \$2,500, or a total cost of **\$97,500** for all permit applicants (39 applications x \$2,500 per application). The non-labor costs were provided by the engineering companies and include permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection, newspaper publications, laboratory analysis, and postage.

b. Operation, Maintenance and Services.

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.14 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 80 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$3,928.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority, requiring 12 hours to review. At an average salary of \$49.10 per hour, the annual wage cost to the Federal government to review the plan will be \$589 (1 plan x 12 hours per review x \$49.10 per hour).

Total Federal Cost

	\$ 3,928	Oversight
+	\$ 589	Federal Programs
	\$ 4,517	Total Federal Cost

15. There are currently 3,014 hours approved for this section. We anticipate a decrease in applications. The adjustment will decrease the burden by 1,121 hours. The burden will change as follows:

$$\begin{array}{r} 3,014 \text{ hours currently approved} \\ - \underline{1,121 \text{ hours due to an adjustment}} \\ 1,893 \text{ hours requested} \end{array}$$

This request will also result in a burden reduction of \$57,500 for non-wage costs due to the adjustment in respondents, for a new total of \$97,500.

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

***Supporting Statement for Reporting Requirements of
Section 784.15***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.15 reflect this requirement. Section 784.15 requires permit applicants to provide a description of the current land use, its productivity, the proposed postmining land use, and documentation regarding comments received from the landowners and state and local governments concerning the postmining land use. Section 784.15 implements subsections (a)(2)(A), (B), and (C) and (a)(3) and (4) of section 508 of SMCRA with respect to underground mines.
2. The regulatory authority uses the information required in section 784.15 in making decisions on proposed postmining land uses and provides a baseline for determination of revegetation success. Failure to submit this information would hamper assessment of reclamation success.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each

applicant requires 6 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **234 hours** (39 applications x 6 hours per application).

The burden for state regulatory authorities to review this portion of the permit application is approximately one hour, or **38 hours** to review all underground permit applications (38 permit applications received by state regulatory authorities x 1 hour per application).

Therefore, the total annual burden for all respondents is **272 hours** (234 hours for permit applicants + 38 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	.5	24.60	12.30
Environmental Technician	4	29.90	119.60
Environmental Engineer	1	45.64	45.64
Operations Manager	.5	79.91	39.96
Total	6		217.50

Therefore, the estimated annual wage cost for each industry respondent for §784.15 is \$218. The total wage cost to all industry respondents is \$209 x 39 permits = \$8,502.

In addition, it takes 1 hour for each state regulatory authority to review this section of the permit application.

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.15 of each permit application is \$33.71 per hour x 1 hour = \$34. The total wage cost to all state regulatory authorities is \$34 x 38 permit applications = \$1,292.

Therefore, we estimate that the burden to all respondents is \$8,502 for industry + \$1,292 for State regulatory authorities = \$9,794.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$20, or a total cost of **\$780** for all applicants (39 applications x \$20 per application).

b. Operation, Maintenance and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.15 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 12 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$589.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority, requiring 2 hours to review. At an average salary of \$49.10 per hour, the annual wage cost to the Federal government to review the plan will be \$98 (1 plan x 2 hours per review x \$49.10 per hour).

Total Federal Cost

	\$ 589 Oversight
+	\$ 98 Federal Programs
	\$ 687 Total Federal Cost

15. There are currently 433 hours approved for this section. We anticipate a decrease in the number of applications. The adjustment will decrease the burden by 161 hours. The burden will change as follows:

	433 hours currently approved
-	161 hours due to an adjustment
	272 hours requested

This request will also result in a burden reduction of \$460 for non-wage costs due to the adjustment in respondents, for a new total of \$780.

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

***Supporting Statement for Reporting Requirements of
Sections 784.16***

A. Justification.

1. This section contains design and other permit application requirements for siltation structures, impoundments, and refuse piles. Sections 507(b)(14) and 516(b)(4) and (5) of SMCRA provide authority for these requirements. Section 516(d) of SMCRA states that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.16 reflect this requirement.
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 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.

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. Based on our experience, we estimate that each application for an underground mine permit will include one refuse pile, in part because our 1983 rule revisions classify underground development waste as coal mine waste (refuse). Prior consultations with industry representatives indicate that each applicant will need 16 hours to prepare the information required by 30 CFR 784.16 for siltation structures, impoundments, and refuse piles for each permit application. This unit burden includes the burden for design certifications for refuse piles previously assigned to 30 CFR 817.81.

We estimate that the total annual burden to permit applicants for compliance with this section will be **624 hours** (39 applications x 16 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would require 10 hours. Therefore, we estimate that the total annual burden for state regulatory authorities to review this information for 30 CFR 784.16 in its entirety would be **380 hours** (38 permit applications received by state regulatory authorities x 10 hours per application).

We estimate that the total annual burden for all respondents will be **1,004 hours** (624 hours for permit applicants + 380 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents.

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Engineering Technician	4	31.51	126.04
Mining Engineer	10	58.79	587.90
Operations Manager	1	79.91	79.91
Total	16		818.45

Therefore, the estimated annual wage cost for each industry respondent for §784.16 is \$818. The total wage cost to all industry respondents is \$818 x 39 permits = \$31,902.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.16 of each permit application is \$33.71 per hour x 10 hours = \$337. The total wage cost to all state regulatory authorities is \$337 x 38 permit applications = \$12,806.

Therefore, we estimate that the total wage cost to all respondents is \$31,902 for industry + \$12,806 for state regulatory authorities = \$44,708.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$168, which translates to a total cost of **\$6,552** for all applicants (39 applications x \$168 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of State compliance with the requirements of 30 CFR § 784.16 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 60 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$2,946.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority. At an average salary of \$49.10 per hour for 10 hours to review this section of the application, the annual wage cost to the Federal government to review the plan will be \$490 (1 application x \$49.10 x 10 hours).

Total Federal Cost

	\$ 2,946	Oversight
+	<u>\$ 490</u>	Federal Programs
	\$ 3,436	Total Federal Cost

15. There are currently 1,602 hours approved for this section. We anticipate that the burden will decrease by 230 hours due to an adjustment in responses. Therefore the burden will change as shown below:

	1,602	hours currently approved
-	<u>598</u>	hours due to an adjustment
	1,004	hours requested

This request will also result in a burden reduction of \$3,864 for non-wage costs due to the adjustment in respondents, for a new total of \$6,552.

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

***Supporting Statement for Reporting Requirements of
Section 784.17***

A. Justification

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.17 reflect this requirement. They require the permit applicant to describe measures that will be taken as part of the proposed surface coal mining operations to prevent or minimize adverse impacts to publicly owned parks and places listed on the National Register of Historic Places, as required by section 522(e)(3) of SMCRA.
2. This information will enable the regulatory authority to determine whether the operation has been designed to meet the requirements of section 522(e)(3) of SMCRA, which prohibits surface coal mining operations that will have adverse effects on publicly owned parks or places listed on the National Register of Historic Places unless the agency with jurisdiction over the park or place grants joint approval or the applicant has valid existing rights.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us). Based on previous studies, we estimate that, on an annual basis, no more than one

application for an underground mine will include the information required by this section. We estimate that preparing that information will require 6 hours. Therefore, the annual burden to permit applicants for compliance with this section totals **6 hours** (1 application x 6 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **5 hours** (1 permit application x 5 hours per application).

Therefore, the total annual burden for all respondents is **11 hours** (6 hours for permit applicants + 5 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Environmental Technician	5	29.90	149.50
Operations Manager	1	79.91	79.91
Total	6		229.41

Therefore, the estimated annual wage cost for each industry respondent for \$784.17 is \$229. The total wage cost to all industry respondents is \$229 x 1 permit = \$229.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for the state regulatory authority to review \$784.17 of the permit application is \$33.71 per hour x 5 hours = \$169. The total wage cost to all state regulatory authorities is \$169 x 1 permit application = \$169.

Therefore, we estimate that the burden to all respondents is \$229 for industry + \$169 for state regulatory authorities = \$398.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$550, or a total non-labor cost of **\$550** for the one permit applicant anticipated each year.

b. Operation, Maintenance and Services:

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

14. Estimate of Costs to the Federal Government.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.17 in the absence of any indication of programmatic problems. OSM assumes that we will conduct an oversight review of this topic in one state program per year and that each review requires an average of 3 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$147.

Federal Programs: Based upon data collected over the past few years, OSM estimates that it will not receive an application which contains information required under section 784.17. However, should we receive an application that includes this information, we estimate that 5 hours will be required to review that application to ensure compliance with section 784.17. Using one application per year as a placeholder, the cost of reviewing that application would be \$246 (1 application x 5 hours per application x \$49.107 per hour).

Total Federal Cost

	\$ 147	Oversight
+	\$ 246	Federal Programs
	\$ 393	Total Federal Cost

15. There are currently 11 hours approved for this section. We anticipate no changes to this section.

	11	hours currently approved
-	0	hours changed
	11	hours requested

16. See list of items with identical responses.

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

***Supporting Statement for Reporting Requirements of
Section 784.18***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.18, which require that the permit application include a description of the measures to be taken to protect the interests of the public and affected landowners when mining is to take place within 100 feet of a public road or when a public road is to be relocated, reflect this requirement. The regulations implement, in part, section 522(e)(5) of the Act, which requires that the regulatory authority ensure the protection of the public and affected landowners in these situations.
2. The regulatory authority uses the information collected under this section to fulfill its responsibilities to protect the public and affected landowners under section 522(e)(5) of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us). Based on prior studies, we estimate that the requirements of this section apply to 46% (18) of those applications. Based on discussions with industry representatives, we also

estimate that it requires 8 hours to complete this portion of the application. Therefore, the annual burden to permit applicants for compliance with this section totals **144 hours** (18 applications x 8 hours per application).

The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **34 hours** (17 permit applications containing this information received by state regulatory authorities x 2 hours per application).

Therefore, the total annual burden for all respondents is **178 hours** (144 hours for permit applicants + 34 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	7	58.79	411.53
Operations Manager	1	79.91	79.91
Total	8		491.44

Therefore, the estimated annual wage cost for each industry respondent for §784.18 is \$491.44. The total wage cost to all industry respondents is \$491.44 x 18 applications = \$8,846.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.18 of each permit application is \$33.71 per hour x 2 hours = \$67.42. The total wage cost to all state regulatory authorities is \$67.42 x 17 permit applications = \$1,146.

Therefore, we estimate that the burden to all respondents is \$8,846 for industry + \$1,146 for state regulatory authorities = \$9,992.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$900** for all applicants (18 applications x \$50 per application).

b. Operation, Maintenance, and Services.

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

14. Estimate of Costs to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.18 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 8 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$393.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority. At an average salary of \$49.10 per hour, the annual wage cost to the Federal government to review the 1 plan at 2 hours per review will be \$98 (1 application x \$49.10 x 2 hours).

Total Federal Cost

\$ 393 Oversight
+ \$ 98 Federal Programs
\$ 491 Total Federal Cost

15. There are currently 278 hours approved for this section. This information collection request will adjust the burden due to a reduction in the number of applications.

278 hours currently approved
- <u>100</u> hours due to an adjustment
178 hours requested

This request will also result in a burden reduction of \$500 for non-wage costs due to the adjustment in respondents, for a new total of \$900.

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

***Supporting Statement for Reporting Requirements of
Section 784.19***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.19, which establish permit application requirements for the disposal of excess spoil from underground mines, reflect this requirement. Section 508(a)(5) of SMCRA requires 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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 29 new permits for underground mines during that year (28 by the states and one by us), of which we estimate that 75% (21) will include an excess spoil fill and therefore must include the information required by this section. Based on discussions with those

identified in item 8, a permit applicant will need a total of 9 hours to collect the information required under 30 CFR 784.19. Therefore, the total annual burden to permit applicants for compliance with this section is **189 hours** (21 applications x 9 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 12 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.19 will be **240 hours** (20 permit applications received by state regulatory authorities with proposed excess spoil fills x 12 hours per application).

Therefore, the total annual burden for all respondents is **429 hours** (189 hours for permit applicants + 240 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	8	58.79	470.32
Operations Manager	1	79.91	79.91
Total	9		550.23

Therefore, the estimated annual wage cost for each industry respondent for §784.19 is \$550. The total wage cost to all industry respondents is \$550 x 21 permits = \$11,550.

In addition, it takes 12 hours for each state regulatory authority to review this section of the permit application.

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.19 of each permit application is \$33.71 per hour x 12 hours = \$405. The total wage cost to all state regulatory authorities is \$405 x 20 permit applications = \$8,100.

Therefore, we estimate that the total wage cost to all respondents is \$11,550 for industry + \$8,100 for state regulatory authorities = \$19,650.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, and a total cost of **\$10,500** for all applicants (21 applications x \$500 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.19 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 40 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits):

The annual cost to OSM for this oversight activity is estimated to be \$1,964.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority. At an average salary of \$49.10 per hour for 12 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$589 (1 application x \$49.10 x 12 hours).

Total Federal Cost

	\$ 1,964	Oversight
+	\$ 589	Federal Programs
	\$ 2,553	Total Federal Cost

15. There are currently 975 hours approved for this section. Due to a decrease in applications, we anticipate a burden change as follows:

	975	hours currently approved
-	546	hours due to an adjustment
	429	hours requested

This request will also result in a burden reduction of \$13,900 for non-wage costs due to the adjustment in respondents, for a new total of \$10,500.

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

18. See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 784.20***

A. Justification.

1. Section 516(b)(1) of SMCRA requires each operator of an underground mine to prevent subsidence that would cause material damage, to the extent technologically and economically feasible. Our regulations at 30 CFR 784.20 contain permitting requirements, including preparation of a subsidence control plan, related to this performance standard. Those regulations also contain permitting requirements intended to support the implementation of section 720 of SMCRA, which requires the correction of subsidence-related material damage to certain structures and the replacement of domestic water supplies adversely impacted by underground mining operations.
2. The regulatory authority uses the preliminary survey information provided under 30 CFR 784.20 to determine whether a subsidence control plan is needed. It also may use the information provided under this section to evaluate future claims of subsidence damage. The subsidence control plan is the mechanism by which the regulatory authority requires compliance with the directive in section 516(b)(1) of the Act that operators "adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible."
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us),

all of which include at least some of the information required by 30 CFR 784.20. We estimate that each applicant requires an average of 12 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **468 hours** (39 applications per year x 12 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 4 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.20 will be **152 hours** (38 permit applications approved by state regulatory authorities per year x 4 hours per application).

Therefore, the total annual burden for all respondents is **620 hours** (468 hours for permit applicants + 152 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	10	58.79	587.90
Operations Manager	2	79.91	159.82
Total	12		747.72

Therefore, the estimated annual wage cost for each industry respondent for §784.20 is \$748. The total wage cost to all industry respondents is \$748 x 39 permits = \$28,424.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.20 of each permit application is \$33.71 per hour x 4 hours = \$135. The total wage cost to all state regulatory authorities is \$135 x 38 permit applications = \$5,130.

Therefore, we estimate that the burden to all respondents is \$28,424 for industry + \$5,130 for state regulatory authorities = \$33,554.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$500, or a total annual cost of **\$19,500** for all applicants (39 applications per year x \$500 per application).

b. Operation, Maintenance, and Services:

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

14. Estimated Costs to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.20 in the absence of any indication of programmatic problems. . If we conduct an oversight review of this topic in one state program per year, that review would require an average of 24 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to OSM for this oversight activity is estimated to be \$1,178.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority. At an average salary of \$49.10 per hour for 4 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$196 (1 application x \$49.10 x 4 hours).

Total Federal Cost

	\$ 1,178	Oversight
+	\$ 196	Federal Programs
	\$ 1,374	Total Federal Cost

15. There are currently 988 hours approved for this section. The burden will decrease because of an adjustment in the number of applications. The new burden is as follows:

	988	hours currently approved
-	368	hours due to an adjustment
	620	hours requested

This request will also result in a burden reduction of \$11,500 for non-wage costs due to the adjustment in respondents, for a new total of \$19,500.

16. See list of items with identical responses.

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

***Supporting Statement for Reporting Requirements of
Section 784.21***

A. Justification.

1. The regulations at 30 CFR 784.21 require that each application for an underground mine include baseline fish and wildlife resource information for the proposed permit and adjacent areas. They also require submission of a fish and wildlife protection and enhancement plan. Those requirements are intended to assist implementation of section 516(b)(11) of SMCRA, which requires that coal mining operations be conducted to minimize disturbances and adverse impacts to fish, wildlife, and related environmental values and achieve enhancement where applicable.
2. The regulatory authority uses the information provided under 30 CFR 784.21 to ensure that the operation is designed meet the requirements of section 516(b)(11) of SMCRA to minimize disturbance and adverse impacts on fish, wildlife and related environmental values to the extent possible using the best technology currently available.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 4 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **156 hours** (39 applications x 4 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 8 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.21 will be **304 hours** (38 permit applications approved by state regulatory authorities per year x 8 hours per application).

Therefore, the total annual burden for all respondents is **460 hours** (156 hours for permit applicants + 304 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	.5	24.60	12.30
Environmental Technician	3	29.90	89.70
Environmental Engineer	.5	45.64	22.82
Total	4		124.82

Therefore, the estimated annual wage cost for each industry respondent for §784.21 is \$125. The total wage cost to all industry respondents is \$125 x 39 permits = \$4,875.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.21 of each permit application is \$33.71 per hour x 8 hours = \$270. The total wage cost to all state regulatory authorities is \$270 x 38 permit applications = \$10,260.

Therefore, we estimate that the burden to all respondents is \$4,875 for industry + \$10,260 for state regulatory authorities = \$15,135.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$200, which translates to a total cost of **\$7,800** for all applicants (39 applications x \$200 per application).

b. Operations, Maintenance and Services:

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

14. Estimated Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.21 in the absence of any indication of programmatic problems. . If we conduct an oversight review of this topic in one state program per year, that review would require an average of 12 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits):

The annual cost to OSM for this oversight activity is estimated to be \$589.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive 1 application for a new permit where OSM is the regulatory authority. At an average salary of \$49.10 per hour for 4 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$196 (1 application x \$49.10 x 4 hours).

Total Federal Cost

	\$ 589	Oversight
+	\$ 196	Federal Programs
	\$ 785	Total Federal Cost

15. There are currently 736 hours approved for this section. This request will reduce the burden by 276 hours because of a change in applications. The burden will change as follows:

	736	hours currently approved
-	276	hours due to an adjustment
	460	hours requested

This request will also result in a burden reduction of \$4,600 for non-wage costs due to the adjustment in respondents, for a new total of \$7,800.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

***Supporting Statement for Reporting Requirements of
Section 784.22***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.22, which require that the permit application include various geologic data, reflect this requirement. Sections 507(b)(11), (14) and (15) and 508(a)(13) of SMCRA require collection and analysis of geologic information to determine the probable hydrologic consequences of the proposed mining operations and any potentially acid- or toxic-forming substances that may affect the quality of surface waters or groundwater systems.
2. The regulatory authority uses the information submitted under 30 CFR 784.22 to evaluate the adequacy of the hydrologic reclamation plan for the proposed operation, to determine whether a toxic materials handling plan is needed, to ascertain whether discharge treatment will be needed and whether those discharges will cease after mining and reclamation, to determine whether reclamation is feasible, and prepare the cumulative hydrologic impact assessment required by SMCRA for issuance of a permit.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 24 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **936 hours** (39 applications x 24 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 6 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.22 will be **228 hours** (38 permit applications approved by state regulatory authorities per year x 6 hours per application).

Therefore, the total annual burden for all respondents is **1,164 hours** (936 hours for permit applicants + 228 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Samplers	16	29.25	468.00
Geological Engineer	6	53.89	323.34
Operations Manager	1	79.91	79.91
Total	24		895.85

Therefore, the estimated annual wage cost for each industry respondent for §784.22 is \$896. The total wage cost to all industry respondents is \$896 x 39 permits = \$34,944.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.22 of each

permit application is \$33.71 per hour x 6 hours = \$202. The total wage cost to all state regulatory authorities is \$202 x 38 permit applications = \$7,676.

Therefore, we estimate that the burden to all respondents is \$34,944 for industry + \$7,676 for state regulatory authorities = \$42,620.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$5,000 for this section, which translates to a total cost of **\$195,000** for all applicants (39 applications x \$5,000 per application).

b. Operations, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.22 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 12 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits):

The annual cost to OSM for this oversight activity is estimated to be \$589.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one underground application for a new permit where OSM is the regulatory authority, requiring 6 hours to review. At an average salary of \$49.10 per hour for 6 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$295 (1 application x \$49.10 x 6 hours).

Total Federal Cost

	\$ 589	Oversight
+	\$ 295	Federal Programs
	\$ 884	Total Federal Cost

15. There are currently 1,854 hours approved for this section. This request will reduce the burden estimate for this section by 690 hours. The burden will change as follows:

$$\begin{array}{r} 1,854 \text{ hours currently approved} \\ - \underline{690 \text{ hours due to an adjustment}} \\ 1,164 \text{ hours requested} \end{array}$$

This request will also result in a burden reduction of \$115,000 for non-wage costs due to the adjustment in respondents, for a new total of \$195,000.

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

***Supporting Statement for Reporting Requirements of
Section 784.23***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.23 reflect this requirement. Those regulations, like sections 507(b)(13) and (14) of SMCRA, require each applicant to submit maps, plans, and cross-sections of the proposed permit area and the adjacent area.
2. The regulatory authority uses the maps, cross-sections, and plans submitted with the application to ensure that the operation has been located and designed in accordance with the requirements of SMCRA.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden

a. Burden Hour Estimates for Respondents

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 40 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **1,560 hours** (39 applications x 40 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 7.5 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.23 will be **285 hours** (38 permit applications received by state regulatory authorities x 7.5 hours per application).

Therefore, the total annual burden for all respondents is **1,845 hours** (1,560 hours for permit applicants + 285 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	3	24.60	73.80
Engineering Technician	25	31.51	787.75
Mining Engineer	10	58.79	587.90
Operations Manager	2	79.91	159.82
Total	40		1,609.27

Therefore, the estimated annual wage cost for each industry respondent for §784.23 is \$1,609. The total wage cost to all industry respondents is \$1,609 x 39 permits = \$62,751.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.23 of each permit application is \$33.71 per hour x 7.5 hours = \$253. The total wage cost to all state regulatory authorities is \$253 x 38 permit applications = \$9,614.

Therefore, we estimate that the total wage cost to all respondents is \$62,751 for industry + \$9,614 for state regulatory authorities = \$72,365.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$3,900** for all applicants (39 applications x \$100 per application).

b. Operations, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.23 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 60 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits):

The annual cost to OSM for this oversight activity is estimated to be \$2,946.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 8 hours to review. At an average salary of \$49.10 per hour for 8 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$393 (1 application x \$49.10 x 8 hours).

Total Federal Cost

	\$ 2,946	Oversight
+	\$ 393	Federal Programs
	\$ 3,339	Total Federal Cost

15. There are currently 2,938 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

	2,938	hours currently approved
-	1,093	hours due to an adjustment
	1,845	hours requested

This request will also result in a burden reduction of \$2,300 for non-wage costs due to the adjustment in respondents, for a new total of \$3,900.

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

***Supporting Statement for Reporting Requirements of
Section 784.24***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.24, which specify design requirements for roads in permit applications, reflect this requirement. Section 701(28) of SMCRA defines surface coal mining operations as including roads and section 515(b)(18) of SMCRA requires that operators refrain from constructing roads in or near streams.
2. The regulatory authority uses the design requirements for roads in 30 CFR 784.24 to ensure that mining permits adhere to the requirements of the Act with respect to surface coal mining operations in general and road placement in particular.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 20 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **780 hours** (39 applications x 20 hours per application).

Based on information supplied by the individuals listed in item 8, we estimate that the total annual burden for state regulatory authorities to review this portion of the permit application is approximately **171 hours** (38 permit applications received by state regulatory authorities x 4.5 hours per application).

Therefore, the total annual burden for all respondents is **951 hours** (780 hours for permit applicants + 171 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	10	31.51	315.10
Civil Engineer	8	49.50	396.00
Operations Manager	2	79.91	159.82
Total	20		870.92

Therefore, the estimated annual wage cost for each industry respondent for \$7840.24 is \$871. The total wage cost to all industry respondents is \$871 x 39 permits = \$33,969.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review \$784.24 of each permit application is \$33.71 per hour x 4.5 hours = \$152. The total wage cost to all state regulatory authorities is \$152 x 38 permit applications = \$5,776.

Therefore, we estimate that the burden to all respondents is \$33,969 for industry + \$5,776 for state regulatory authorities = \$39,745.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$1,950** for all applicants (39 applications x \$50 per application).

b. Operations, Maintenance, and Services:

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

14. Estimated Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.24 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 36 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to the Federal government for this oversight activity is estimated to be \$1,768.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 5 hours to review. At an average salary of \$49.10 per hour for 5 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$246 (1 application x \$49.10 x 5 hours).

Total Federal Cost

	\$ 1,768	Oversight
+	\$ 246	Federal Programs
	\$ 2,014	Total Federal Cost

15. There are currently 1,515 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

	1,515	hours currently approved
-	564	hours due to adjustments
	951	hours requested

This request will also result in a burden reduction of \$1,150 for non-wage costs due to the adjustment in respondents, for a new total of \$1,950.

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

***Supporting Statement for Reporting Requirements of
Section 784.25***

A. Justification.

1. These regulations, which govern disposal of coal processing waste in abandoned underground mines, have no direct counterpart in SMCRA. However, they are a rational extrapolation of our responsibility to ensure that coal mining operations are conducted in a manner that protects the hydrologic balance, including groundwater systems. Those requirements appear in sections 507(b)(11) and 508(a)(13) and throughout sections 510, 515, and 516 of SMCRA.
2. The regulatory authority uses the information collected under this section to ensure that disposal of coal processing waste in underground mines does not cause material damage to the hydrologic balance or pose a stability problem.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us). Based on discussions with industry representatives, we estimate that 54% (21) of those permit applications include the information required by this section. We also estimate that each applicant requires 6 hours to prepare this information, based on the same discussions. Therefore, the annual burden to permit applicants for compliance with this section totals **126 hours** (21 applications x 6 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review this portion of the permit application would average 4 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications for 30 CFR 784.25 will be **80 hours** (20 permit applications received by state regulatory authorities x 4 hours per application).

Therefore, the total annual burden for all respondents is **206 hours** (126 hours for permit applicants + 80 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	5	58.79	293.95
Operations Manager	1	79.91	79.91
Total	6		373.86

Therefore, the estimated annual wage cost for each industry respondent for §784.25 is \$374. The total wage cost to all industry respondents is \$374 x 21 permits = \$7,854.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.25 of each permit application is \$33.71 per hour x 4 hours = \$135. The total wage cost to all state regulatory authorities is \$135 x 20 permit applications = \$2,700.

Therefore, we estimate that the burden to all respondents is \$7,854 for industry + \$2,700 for state regulatory authorities = \$10,554.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$2,100** for all applicants (21 applications x \$100 per application).

b. Operation, Maintenance, and Services:

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

14. Estimated Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.25 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 4 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to the Federal government for this oversight activity is estimated to be \$196.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 4 hours to review. At an average salary of \$49.10 per hour for 4 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$196 (1 application x \$49.10 x 4 hours).

Total Federal Cost

	\$	196	Oversight
+	\$	196	Federal Programs
	\$	392	Total Federal Cost

15. There are currently 336 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

	336	hours currently approved
-	130	hours due to an adjustment
	206	hours requested

This request will also result in a burden reduction of \$1,300 for non-wage costs due to the adjustment in respondents, for a new total of \$2,100.

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

***Supporting Statement for Reporting Requirements of
Section 784.28***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. Section 784.28 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 regulations are primarily intended to implement section 516(b)(10)(B), which requires that mining operations be conducted to prevent additional contributions of suspended solids to streamflow outside the permit area to the extent possible; and section 516(b)(11), which requires that mining operations minimize disturbances to and adverse impacts on fish, wildlife, and related environmental values to the extent possible. Both sections require use of the best technology currently available. Section 201(c) of SMCRA provides the authority for us to adopt regulations implementing those sections of SMCRA.
2. The regulatory authority will use the information provided under this section and the findings that it must make to ensure that mining 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. Burden Hour Estimates for Respondents

According to our FY 2010 annual oversight evaluation reports, we and the states issued 27 new permits for underground mines during that year (26 by the states and one by us). Based on the information provided by the persons listed in item 8, we estimate that 70% (18) of those permits will include activities in or within 100 feet of perennial or intermittent streams and therefore must include the information required by this section. On the same basis, we anticipate that the information also will be needed for a number of permit revisions equal to 10% (3) of the total number of permits issued. We estimate that each applicant will need 10 hours to prepare the information required by 30 CFR 784.28. Therefore, the total annual burden to permit applicants for compliance with this section would be **210 hours** (21 new permit and permit revision applications with activities in streams or buffer zones x 10 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 10 hours per application. We estimate that the total annual burden for state regulatory authorities to review permit applications under 30 CFR 784.28 and make the required findings is **200 hours** (20 permit and permit revision applications received by state regulatory authorities with activities in streams or buffer zones x 10 hours per application).

Therefore, the total annual burden for all respondents would be **410 hours** (210 hours for permit applicants + 200 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Environmental Technician	5	29.90	149.50
Environmental Engineer	3	45.64	136.92
Operations Manager	1	79.91	79.91
Total	10		390.93

Therefore, the estimated annual wage cost for each industry respondent for §784.28 is \$391. The total wage cost to all industry respondents is \$391 x 21 permits = \$8,211.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.28 of each permit application is \$33.71per hour x 10 hours = \$337. The total wage cost to all state regulatory authorities is \$337 x 20 permit applications = \$6,740.

Therefore, we estimate that the burden to all respondents is \$8,211 for industry + \$6,740 for state regulatory authorities = \$14,951.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$2,100** for all applicants (21 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: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.28 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 50 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to the Federal government for this oversight activity is estimated to be \$2,455.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 10 hours to review. At an average salary of \$49.10 per hour, the annual wage cost to the Federal government to review the information will be \$491 (1 application x 10 hours per review x \$49.10 per hour).

Total Federal Cost

	\$ 2,455	Oversight
+	\$ 491	Federal Programs
	\$ 2,946	Total Federal Cost

15. There are currently 970 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

970 hours currently approved
- 560 hours due to an adjustment
410 hours requested

This request will also result in a burden reduction of \$2,800 for non-wage costs due to the adjustment in respondents, for a new total of \$2,100.

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

***Supporting Statement for Reporting Requirements of
Section 784.29***

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.29, which require that the permit application include designs for all stream-channel and other diversions, reflect this requirement. Section 508(a)(5) of SMCRA requires that the application include a plan for the control of surface water drainage. In addition, section 508(a)(13) of SMCRA requires that the application include a detailed description of measures to be taken to ensure the protection of surface water systems.
2. The regulatory authority uses the information provided under this section to ensure that mining operations are designed to protect the hydrologic balance and safely control surface runoff.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 16 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for

compliance with this section totals **624 hours** (39 applications x 16 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 5 hours per application. We estimate that the total annual burden for state regulatory authorities to review this portion of the permit application is approximately **190 hours** (38 permit applications received by state regulatory authorities x 5 hours per application).

Therefore, the total annual burden for all respondents is **814 hours** (624 hours for permit applicants + 190 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	1	24.60	24.60
Mining Engineer	13	58.79	764.27
Operations Manager	2	79.91	159.82
Total	16		948.69

Therefore, the estimated total annual wage cost for each industry respondent for \$784.29 is \$949. The total wage cost to all industry respondents is \$949 x 39 permits = \$37,011.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review \$784.29 of each permit application is \$33.71 per hour x 5 hours = \$169. The total wage cost to all state regulatory authorities is \$169 x 38 permit applications = \$6,422.

Therefore, we estimate that the burden to all respondents is \$37,011 for industry + \$6,422 for state regulatory authorities = \$43,433.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$50, which translates to a total cost of **\$1,950** for all applicants (39 applications x \$50 per application).

b. Operation, Maintenance, and Services:

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

14. Estimate of Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.29 in the absence of any indication of programmatic problems. . If we conduct an oversight review of this topic in one state program per year, that review would require an average of 24 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to the Federal government for this oversight activity is estimated to be \$1,178.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 5 hours to review. At an average salary of \$49.10 per hour, the annual wage cost to the Federal government to review the information will be \$246 (1 application x 5 hours per review x \$49.107 per hour).

Total Federal Cost

	\$ 1,178	Oversight
+	\$ 246	Federal Programs
	\$ 1,424	Total Federal Cost

15. There are currently 1,297 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

	1,297	hours currently approved
-	483	hours due to an adjustment
	814	hours requested

This request will also result in a burden reduction of \$1,150 for non-wage costs due to the adjustment in respondents, for a new total of \$1,950.

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

**Supporting Statement of Reporting Requirements of
Section 784.30**

A. Justification.

1. Section 516(d) of SMCRA provides that the permitting requirements of Title V of SMCRA are applicable to surface operations and surface impacts of underground mines, although the Secretary must modify those requirements by rulemaking in recognition of the distinct differences between surface and underground mining. The regulations at 30 CFR 784.30, which require that the permit application include designs for support facilities consistent with the performance standards for those facilities at 30 CFR 817.181, reflect this requirement. The performance standards at 30 CFR 817.181 are derived from the sedimentation control and fish and wildlife protection requirements of sections 516(b)(9) and (11) of SMCRA.
2. The regulatory authority uses the information provided under this section to ensure that support facilities are designed to ensure compliance with performance standards.
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

According to our FY 2010 annual oversight evaluation reports, we and the states issued 39 new permits for underground mines during that year (38 by the states and one by us), all of which must include the information required by this section. We estimate that each applicant requires 8 hours to prepare this information, based on discussions with industry representatives. Therefore, the annual burden to permit applicants for compliance with this section totals **312 hours** (39 applications x 8 hours per application).

Based on information supplied by the individuals listed in item 8, the burden for state regulatory authorities to review the information submitted under this section would average 2 hours per application. The total annual burden for state regulatory authorities to review this portion of the permit application is approximately **76 hours** (38 permit applications received by state regulatory authorities x 2 hours per application).

Therefore, the total annual burden for all respondents is **388 hours** (312 hours for permit applicants + 76 hours for state regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

OSM has estimated the wage cost as follows, including benefits as discussed in item 13, page 9:

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	2	31.51	63.02
Mining Engineer	5	58.79	293.95
Operations Manager	1	79.91	79.91
Total	8		436.88

Therefore, the estimated total annual wage cost for each industry respondent for §784.30 is \$437. The total wage cost to all industry respondents is \$437 x 39 permits = \$17,043.

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

Using wage costs for state employee engineering technician as indicated in item 13, page 9, we estimate that the wage cost is \$33.71 per hour including benefits. Therefore, the estimated annual wage cost for state regulatory authorities to review §784.30 of each permit application is \$33.71 per hour x 2 hours = \$67. The total wage cost to all state regulatory authorities is \$67 x 38 permit applications = \$2,546.

Therefore, we estimate that the total wage cost to all respondents is \$17,043 for industry + \$2,546 for state regulatory authorities = \$19,589.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application average \$100, which translates to a total cost of **\$3,900** for all applicants (39 applications x \$100 per application).

b. Operation, Maintenance, and Services:

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

14. Estimated Costs to the Federal Government:

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, OSM does not anticipate conducting any significant oversight review of state compliance with the requirements of 30 CFR § 784.30 in the absence of any indication of programmatic problems. If we conduct an oversight review of this topic in one state program per year, that review would require an average of 12 hours at \$49.10 per hour (GS-12/5 regulatory program specialist/mining engineer reviewing the application, including 1.5 multiplier for benefits. See item 14, page 10, for an explanation of wages and benefits). The annual cost to the Federal government for this oversight activity is estimated to be \$589.

Federal Programs: Based upon data collected in 2010, OSM estimates that it will annually receive one application for a new permit for lands and operations for which OSM is the regulatory authority, requiring 2 hours to review. At an average salary of \$49.10 per hour for 2 hours to review this section of the application, the annual wage cost to the Federal government to review this section will be \$98 (1 application x \$49.10 x 2 hours).

Total Federal Cost

	\$ 589	Oversight
+	\$ 98	Federal Programs
	\$ 687	Total Federal Cost

15. There are currently 618 hours approved for this section. Due to a reduction in the number of respondents, this request will reduce the burden as follows:

	618	hours currently approved
-	230	hours due to an adjustment
	388	hours requested

This request will also result in a burden reduction of \$2,300 for non-wage costs due to the adjustment in respondents, for a new total of \$3,900.

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