

1Supporting Statement A

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

OMB Control Number 1029-0036

Terms of Clearance: None

General Instructions

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

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*
- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.*
- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.*
- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*
- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*
7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*
 - * requiring respondents to report information to the agency more often than quarterly;*
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
 - * requiring respondents to submit more than an original and two copies of any document;*
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
 - * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
 - * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*
8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*
10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*
11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*
12. *Provide estimates of the hour burden of the collection of information. The statement should:*
 - * *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*
 - * *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.*
 - * *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.*
13. *Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)*
 - * *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring,*

sampling, drilling and testing equipment; and record storage facilities.

** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*

** Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*
- 15. Explain the reasons for any program changes or adjustments in hour or cost burden.*
- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*
- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*
- 18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

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

Introduction

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

Each section of Part 780 for which there is an information collection or record-keeping requirement is discussed separately. The responses to some items in the instructions for the supporting statement are identical for each section and these responses appear on pages 8-10 of this document.

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

SUMMARY ANNUAL BURDEN TO RESPONDENTS FOR 30 CFR Part 780

SECTION	NUMBER OF APPLICANTS	NUMBER OF STATE RESPONSES	HOURS PER APPLICANT	HOURS PER STATE	BURDEN HOURS REQUESTED	HOURS CURRENTLY APPROVED	DIFFERENCE
780.11	116	114	4	3	806	1,415	0
780.12	116	114	6	2.25	953	1,670	0
780.13	116	114	53	4.5	6,661	11,664	0
780.14	116	114	40	8.75	5,638	9,879	0
780.16	116	114	16	10	2,996	5,258	0
780.18	116	114	8	2	1,156	2,026	0
780.21	116	114	4	8	1,376	2,420	0
780.22	116	114	24	6	3,468	6,078	0
780.23	116	114	40	7.5	5,495	9,628	0
780.25	116	114	6	4	1,152	2,022	0
780.27	23	23	10	5	345	3,035	0
780.29	116	114	16	5	2,426	4,253	0
780.31	116	114	8	6	1,612	2,830	0
780.33	116	114	12	3	1,734	3,039	0
780.35	231	229	27	18	10,359	14,679	0
780.37	116	114	30	10	4,620	8,100	0
780.38	116	114	25	5	3,470	6,080	0
TOTAL	116	114	0	0	0	0	0

NON-LABOR COST TO RESPONDENTS FOR 30 CFR PART 780

SECTION	NUMBER OF RESPONDENTS	COST PER RESPONDENT	TOTAL COST REQUESTED	CURRENTLY APPROVED TOTAL COSTS	DIFFERENCE
780.11	116	\$75	\$8,700	\$15,225	0
780.12	116	\$75	\$8,700	\$15,225	0
780.13	116	\$150	\$17,400	\$30,450	0
780.14	116	\$168	\$19,488	\$34,104	0
780.16	116	\$168	\$19,488	\$34,104	0
780.18	116	\$1,100	\$127,600	\$223,300	0
780.21	116	\$200	\$23,200	\$40,600	0
780.22	116	\$5,000	\$580,000	\$1,015,000	0
780.23	116	\$100	\$11,600	\$20,300	0
780.25	116	\$100	\$11,600	\$20,300	0
780.27	116	\$25	\$575	\$5,075	0
780.29	116	\$50	\$5,800	\$10,150	0
780.31	116	\$400	\$46,400	\$81,200	0
780.33	116	\$55	\$6,380	\$11,165	0
780.35	116	\$600	\$138,600	\$196,200	0
780.37	116	\$50	\$5,800	\$10,150	0
780.38	116	\$25	\$2,900	\$5,075	0
	TOTAL	0	\$0	\$0	0

1 Identical Responses to Statements For all Sections of 30 CFR Part 780

3. This information is unique to each applicant and mining area. Respondents are individual mining companies who apply for permits on an as-needed basis, and the State regulatory authorities (SRA's) who must review and approve the permit applications. OSMRE continues to work with SRA's and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in virtually all coal-producing states to use electronic and information technology to submit and receive permit applications which improve efficiency and reduce the time and cost burden to permit applicants and SRA's. OSMRE continues to actively support SRA's implementation of electronic permitting and other reports normally prepared and submitted on paper. OSMRE currently estimates that 75% of applications are received electronically, with some SRA's in the early stages of electronic exchange, while others receive 95% of permit applications on CD's or are directly downloaded to the State-run internet server. Applicants realize some cost reductions due to electronic submission of data through eliminating reproduction costs and postage.
4. The information requested for 30 CFR Part 780 is time-sensitive and unique to each site. Duplication is minimal to nonexistent. OSMRE is the only Federal agency charged with implementation of sections 507 and 508 of the Surface Mining Control and Reclamation Act (the Act or SMCRA).
5. There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit and to conduct coal mining and reclamation operations. Adequate documentation is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. Therefore, the hour burden on any small entity subject to these regulations and associated collections of information cannot be reduced to accommodate them.
6. Information required in Part 780 provides the basis for SMCRA permitting decisions by SRA's. Information required for Part 780 is provided at the time of application and is, therefore, not collected on a periodic basis.
7. Guidelines in 5 CFR 1320.5(d)(2) are not exceeded. Generally, 3 copies are submitted by permit applicants to the SRA's. In States that promote electronic submissions, 1 to 3 CD's are submitted by applicants. In the Commonwealth of Virginia, applicants are encouraged to either submit an application on CD, or to complete the application using the State's website where drop-down menus and pre-populated hydrologic and geologic data are employed for convenience.

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

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

8. In September 2014, OSMRE contacted the following mining company official and two regulatory authorities with experience in the preparation of surface coal mining applications to determine the burden placed on respondents by 30 CFR Part 780 of the Federal regulations.

Roger Jones
Red River Coal
6999 Polk Rd, Norton, VA 24273
(276) 679-1400
Email: rogerjones@redrivercoal.com

Tim Browning
Department of Mines, Minerals and Energy
Division of Mine Land Reclamation
3405 Mountain Empire Rd
Big Stone Gap, VA 24219
Phone: (434-523-8156)
Email: Tinothy.Browning@dmme.virginia.gov

Dan Barkley
Land Reclamation Division
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
DAN.BARKLEY@illinois.gov

These individuals provided burden estimates for this Part, but did not provide any suggestions for improving the regulations or ways to minimize the burden on respondents.

On November 12, 2014, OSMRE published in the Federal Register (79 FR 67190) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. Not applicable. No payments or gifts were made to respondents.
10. Not applicable. In general, confidential information is not provided. However, the permit applicant may request that certain portions of the application be held confidential for certain business or other reasons, such as coal reserves in the planned mining area or to protect the location of archeological resources on public and Indian lands. These requests are handled in accordance with the procedures provided for in §773.13(d).
11. Not applicable. Sensitive questions are not asked.
12. OSMRE uses the U.S. Department of Labor's Bureau of Labor Statistics (BLS) figures for calculating cost burden placed on respondents and on the Federal government. These figures are derived for mining companies found at http://www.bls.gov/oes/current/naics4_212100.htm and for state government employees found at http://www.bls.gov/oes/current/naics4_999200.htm. We have also included a benefits factor at a rate of 1.4 times salary for the coal companies, and a benefits factor of 1.5 for state government employees. These benefit estimates were developed in accordance with the BLS news release USDL-14-1673, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2014, dated September 10, 2014, (<http://www.bls.gov/news.release/pdf/ecec.pdf>).
14. OSMRE uses the Office of Personnel Management figures for calculating wage costs for Federal employees. These figures are found in the table at http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/RUS_h.pdf. We have also included a benefits factor of 1.5 for Federal employees in accordance with the BLS news release USDL-14-1673.
16. Not applicable. OSMRE has no plans to publish the information.
17. Not applicable. The OMB approval number is displayed in 30 CFR 780.10.
18. Not applicable. There are no exceptions to the certification.

§780.11 – Operation Plan: General Requirements

Justification

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

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

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

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and contacts with permit applicants, including those indicated in item 8 above, there were approximately 116 surface coal mining permit applications, with each applicant requiring 4 hours to complete this portion of the application. Therefore, 116 permit applications x 4 hours per response = 464 hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 3 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 3 hours per review = 342 hours.

Total burden for all respondents is **806 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Administrative Support	.5	22.83	** Expression is faulty **
Engineering Technician	2	39.09	** Expression is faulty **
Mining Engineer	1	58.60	** Expression is faulty **
Operations Manager	.5	81.63	** Expression is faulty **
Total	4		0

Therefore, the estimated annual wage cost for each industry respondent for \$780.11 is \$189. The total wage cost to all industry respondents is \$189 x 116 permits = \$21,924.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.11 of each permit application is \$33.80 per hour x 3 hours = \$101 (rounded). The total wage cost to all State regulatory authorities is \$101 x 114 permit applications = \$11,514.

Therefore, we estimate that the burden to all respondents is \$21,924 for industry + \$11,514 for State regulatory authorities = \$33,438.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Non-labor cost for each respondent of \$75 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$75 x 116 applications = \$8,700.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 4 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 4 hours x \$67.32 = \$269.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 3 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$404 (2 applications x 3 hours per application x \$67.32 per hour).

Total Federal Cost

\$ 269 Oversight
+ \$ 404 Federal Programs

\$ 673 Total Federal Cost

15. There are currently 1,415 hours approved for this section. Due to a decrease in the number of applications received, we are requesting an approval of 806 hours as shown below:

1,415 hours currently approved
- 609 hours due to adjustments
806 hours requested

This request includes a non-wage cost of \$8,700. This represents a decrease of \$6,525 due to a decrease in use as an adjustment.

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

§780.12 – Operation Plan: Existing Structures

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, studies conducted by

OSMRE, and ongoing contacts with permit applicants, including those indicated in item 8, there are approximately 116 surface mining permit applications submitted annually, virtually all involving existing structures, with each applicant requiring approximately 6 hours to complete this portion of the application. Therefore, 116 permit applications x 6 hours per response = 696 hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 2.25 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 2.25 hours per review = 257 hours. (Rounded)

Total burden for all respondents is **953 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.83	** Expression is faulty **
Engineering Technician	4	39.09	** Expression is faulty **
Mining Engineer	1.5	58.60	** Expression is faulty **
Total	6		0

Therefore, the estimated annual wage cost for each industry respondent for §780.12 is \$255 (rounded). The total wage cost to all industry respondents is \$255 x 116 permits = \$29,580.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits.

Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.12 of each permit application is \$33.80 per hour x 2.25 hours = \$76 (rounded). The total wage cost to all State regulatory authorities is \$76 x 114 permit applications = \$8,664.

Therefore, we estimate that the burden to all respondents is \$29,580 for industry + \$8,664 for State regulatory authorities = \$38,244.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$75 may be included for permit application costs for items such as equipment, copying, and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$75 x 116 applications = \$8,700.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 6 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 6 hours x \$67.32 = \$404.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 2.25 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$303 (2 findings x 2.25 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 404 Oversight
+	\$ 303 Federal Programs
	<hr/>
	\$ 707 Total Federal Cost

15. There are currently 1,670 hours approved for this section. Due to a decrease in the number of applications who complete this portion of the application, we are

requesting approval of 953 hours as shown below:

1,670 hours currently approved
- <u>717</u> hours due to adjustments
953 hours requested

This request includes a non-wage cost of \$8,700. This represents a decrease of \$6,525 due to an adjustment.

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

§780.13 – Operation Plan: Blasting

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and ongoing contacts

with permit applicants, there are approximately 116 permit applications with each applicant requiring 53 hours to complete this portion of the application. Therefore, 116 blasting plans x 53 hours per respondent = 6,148 hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 4.5 hours to review this section of the permit application. Therefore, we estimate the burden to State regulatory authorities is 114 mines x 4.5 hours per review = 513 hours.

Total burden for all respondents is **6,661 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	50	58.60	** Expression is faulty **
Operations Manager	3	81.63	** Expression is faulty **
Total	53		0

Therefore, the estimated annual wage cost for each industry respondent for \$780.13 is \$3,175. The total wage cost to all industry respondents is \$3,175 x 116 permits = \$368,300.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.13 of each permit application is \$33.80 per hour x 4.5 hours = \$152 (rounded). The total wage cost to all State regulatory authorities is \$152 x 114 permit applications = \$17,339.

Therefore, we estimate that the burden to all respondents is \$368,300 for industry + \$17,339 for State regulatory authorities = \$385,639.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

A nonlabor cost for each respondent of \$150 may be included for blasting plan costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$150 x 116 blasting plans = \$17,400.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$67.32 = \$4,039.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 4.5 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$606 (2 findings x 4.5 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 4,039	Oversight
+	\$ 606	Federal Program
	\$ 4,645	Total Federal Cost

15. There are currently 11,664 hours approved for this section. Due to a decrease in the number of applications received, we are requesting approval of 6,661 hours as shown below:

	11,664	hours currently approved
-	5,003	hours due to adjustments
	6,661	hours requested

This request includes a non-wage cost of \$17,400. This represents a reduction of \$13,050 due to a decrease in use as an adjustment.

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

§780.14 – Operation Plan: Maps and Plans

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and ongoing contacts with permit applicants, there are 116 surface coal mining permit applicants submitting the information, with each applicant requiring 40 hours to complete this portion of the application: 116 applications x 40 hours per respondent =

4,640 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 8.75 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 8.75 hours per review = 998 hours.

Total burden for all respondents is **5,638 hours**.

b. Annual Wage Cost to Respondent:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	22.83	** Expression is faulty **
Engineering Technician	32	39.09	** Expression is faulty **
Mining Engineer	6	58.60	** Expression is faulty **
Operation Manager	1	81.63	** Expression is faulty **
Total	40		0

Therefore, the estimated annual wage cost for each industry respondent for §780.14 is \$1,708. The total wage cost to all industry respondents is \$1,708 x 116 permits = \$198,128.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.14 of each permit application is \$33.80 per hour x 8.75 hours = \$296

(rounded). The total wage cost to all State regulatory authorities is $\$296 \times 114$ permit applications = $\$33,744$.

Therefore, we estimate that the burden to all respondents is $\$198,128$ for industry + $\$33,744$ for State regulatory authorities = $\$231,872$.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of $\$168$ may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be $\$168 \times 116$ maps/plans = $\$19,488$.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 40 hours. A GS 13/5 regulatory program specialist/engineer earning $\$67.32$ per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 40 hours \times $\$67.32$ = $\$2,693$.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 8.75 hours to review each. At an average salary of $\$67.32$ per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be $\$1,178$ (2 applications \times 8.75 hours per finding \times $\$67.32$ per hour).

Total Federal Cost

	\$ 2,693	Oversight
+	\$ 1,178	Federal Programs
	\$ 3,871	Total Federal Cost

15. There are currently 9,879 hours approved for this section. Due to a decrease in the number of applications received, we are requesting an approval of 5,638 hours as shown below:

9,879 hours currently approved
- 4,241 hours due to adjustments
5,638 hours requested

This request includes a non-wage cost of \$19,488. This represents a decrease of \$14,616 due to an adjustment.

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

Supporting Statement for Reporting Requirements of § 780.15

Section 508(a)(9) of SMCRA requires that each application for a surface mining permit include the steps to be taken to comply with applicable air and water quality laws and regulations. However, the regulations at 30 CFR 780.15 primarily reflect sections 515(a) and (b)(4) of SMCRA, which provide that each permit must require that surface coal mining and reclamation operations be conducted so as to “stabilize and protect all surface areas *** to effectively control erosion and air pollution attendant to erosion.” Paragraph (a) of §780.15 provides that, if the proposed operations would produce more than one million tons of coal per year and would be located west of the 100th meridian west longitude, the application must include (1) an air quality monitoring program to evaluate the effectiveness of fugitive dust control practices for §816.95, and (2) a plan for fugitive dust control practices for §816.95. Paragraph (b) of §780.15 requires that all other applications, regardless of size or location, include “a plan for fugitive dust control practices as required for §816.95.” However, on January 10, 1983, in response to a court decision restricting OSMRE’s jurisdiction to air pollution attendant to erosion, OSMRE revised §816.95 to remove both the requirement for a plan for fugitive dust control practices and the list of fugitive dust control practices. The preamble effectively acknowledges that the revised performance standards render the permit application regulations moot.

The regulatory authority no longer has any meaningful use for the information submitted under this rule. To the extent that it includes information required for compliance with the Clean Air Act, the rule satisfies the requirement of section 508(a)(9) of SMCRA.

§780.16 – Fish and Wildlife Information

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, information received by respondents identified in item 8, there are 116 permit applications with each applicant requiring 16 hours to complete this portion of the application. Therefore, 116 permit applications x 16 hours per response = 1,856 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 10 hours to review the air quality monitoring programs for lands and operations under this section. Therefore, we estimate that the burden to State regulatory authorities is 114 applications x 10 hours per review = 1,140 hours.

Total burden for all respondents is **2,996 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	22.83	** Expression is faulty **
Environmental Technician	12	39.09	** Expression is faulty **
Environmental Engineer	2	54.42	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Total	16		0

Therefore, the estimated annual wage cost for each industry respondent for §780.16 is \$683. The total wage cost to all industry respondents is \$683 x 116 permits = \$79,228.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.16 of each permit application is \$33.80 per hour x 10 hours = \$338 (rounded). The total wage cost to all State regulatory authorities is \$338 x 114 permit applications = \$38,532.

Therefore, we estimate that the burden to all respondents is \$79,228 for industry + \$38,532 for State regulatory authorities = \$117,760.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$168 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$168 x 116 applications with fish and wildlife plans = \$19,488.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$67.32 = \$4,039.

Federal Programs: Based upon data collected in 2013 we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 10 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,346 (2 findings x 10 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 4,039	Oversight
+	\$ 1,346	Federal Programs
	\$ 5,385	Total Federal Cost

15. The number of respondents was obtained from OSMRE's 2103 annual reports addressing the States' administration of their regulatory programs and from OSMRE offices that administer Federal programs. OSMRE estimates that 2,996 hours will be required annually to complete the information required by §780.16. The decrease in total hours is a result of a reduction in use. Therefore, this request will decrease burden hours as follows:

5,258 Hours currently approved by OMB
- 2,262 Hours due to adjustments
2,996 Hours requested

This request includes a non-wage cost of \$19,488. This represents a decrease of \$14,616 due to adjustments.

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

§780.18 –Reclamation Plan: General Requirements

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, information received

by respondents identified in item 8, there were 116 permit applications submitted. Applicants will require, on average, 8 hours completing this section of the permit application. Therefore, 116 permit applications x 8 hours per response = 928 hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 2 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 2 hours per review = 228 hours.

Total burden for all respondents is **1,156 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.83	** Expression is faulty **
Environmental Technician	5	35.18	** Expression is faulty **
Environmental Engineer	2	54.42	** Expression is faulty **
Operations Manager	.5	81.63	** Expression is faulty **
Total	8		0

Therefore, the estimated annual wage cost for each industry respondent for \$780.18 is \$337. The total wage cost to all industry respondents is \$337 x 116 permits = \$39,092.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State

environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.18 of each permit application is \$33.80 per hour x 2 hours = \$68 (rounded). The total wage cost to all State regulatory authorities is \$68 x 114 permit applications = \$7,752.

Therefore, we estimate that the burden to all respondents is \$39,092 for industry + \$7,752 for State regulatory authorities = \$46,844.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor costs for each respondent of \$1,100 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$1,100 x 116 applications = \$127,600.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 8 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 8 hours x \$67.32 = \$539.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 2 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$269 (2 applications x 2 hours per application x \$66.65 per hour).

Total Federal Cost

\$	539	Oversight
+ \$	269	Federal Programs
\$	808	Total Federal Cost

15. There are currently 2,026 hours approved for this section. Due to a decrease in

the number of applications, we are requesting an approval of 1,156 hours as shown below:

2,026 hours currently approved
- <u>870</u> hours due to adjustments
1,156 hours requested

This request includes a non-wage cost of \$127,600. This represents a reduction of \$95,700 due to change in use as an adjustment.

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

§780.21 – Hydrologic Information

Justification

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

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

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

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

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

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

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

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

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

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

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

a. Annual Burden to Respondents:

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, there were 116 permit applicants who prepared this information, with each applicant requiring 4 hours to complete this portion of the application.

116 permit applications x 4 hours per response = 464 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 8 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 8 hours per review = 912 hours.

Total burden for all respondents is **1,376 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost

Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.83	** Expression is faulty **
Earth Drillers	2	32.91	** Expression is faulty **
Geological Engineer	1	53.60	** Expression is faulty **
Operations Manager	.5	81.63	** Expression is faulty **

Total	4		0
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Therefore, the estimated annual wage cost for each industry respondent for §780.21 is \$172. The total wage cost to all industry respondents is $\$172 \times 116$ permits = \$19,952.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.21 of each permit application is $\$33.80$ per hour \times 8 hours = \$270 (rounded). The total wage cost to all State regulatory authorities is $\$270 \times 114$ permit applications = \$30,780.

Therefore, we estimate that the burden to all respondents is \$19,952 for industry + \$30,780 for State regulatory authorities = \$50,732.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$200 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be $\$200 \times 116$ applications = \$23,200.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 6 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 12 hours \times $\$67.32$ = \$808.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the

regulatory authority, requiring 4 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$539 (2 applications x 4 hours per review x \$67.32 per hour).

Total Federal Cost

\$ 808 Oversight
+ \$ 539 Federal Programs
\$1,347 Total Federal Cost

15. There are currently 2,420 hours approved for this section. Due to a decrease in the number of applications, we are requesting an approval of 1,376 hours as shown below:

2,420 hours currently approved
- 1,044 hours due to an adjustment
1,376 hours requested

This request includes a non-wage cost of \$23,200. This represents a reduction of \$17,400 due to a reduction in use as an adjustment.

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

§780.22 – Geologic Information

Justification

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

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

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

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

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

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

a. Annual Burden to Respondents:

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, information received from the respondents identified in item 8 and ongoing contacts with permit applicants. There are 116 permit applicants with each applicant requiring approximately 24 hours completing this portion of the permit application. Therefore, 116 permit applications x 24 hours per respondent = 2,784 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 6 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 6 hours per review = 684 hours.

Total burden for all respondents is **3,468 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.83	** Expression is faulty **
Samplers	14	31.25	** Expression is faulty **
Geological Engineer	9	58.60	** Expression is faulty **

Operations Manager	.5	81.63	** Expression is faulty **
Total	24		0

Therefore, the estimated wage cost for each industry respondent for §780.22 is \$1,017. The total wage cost to all industry respondents is \$1,017 x 116 permits = \$117,972.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.22 of each permit application is \$33.80 per hour x 6 hours = \$203 (rounded). The total wage cost to all State regulatory authorities is \$203 x 114 permit applications = \$23,119.

Therefore, we estimate that the burden to all respondents is \$117,972 for industry + \$23,119 for State regulatory authorities = \$141,091.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$5,000 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the total cost to all respondents would be \$5,000 x 116 applications = \$580,000.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 12 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 12 hours x \$67.32 = \$808.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 6 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$808 (2 applications x 6 hours per review x \$67.32 per hour).

Total Federal Cost

	\$ 808	Oversight
+	\$ 808	Federal Programs
	\$ 1,616	Total Federal Cost

15. There are currently 6,078 hours approved for this section. Due to a decrease in the number of applications, we are requesting an approval of 3,468 hours as shown below:

	6,078	hours currently approved
-	2,610	hours due to adjustments
	3,468	hours requested

This request includes a non-wage cost of \$580,000. This represents a decrease of \$435,000 due to an adjustment.

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

§780.23 – Reclamation Plan: Land Use Information

Justification

1. In accordance with sections 508(a)(2)(A), (B), and (C), (a)(3), and (a)(4) of the Act, §780.23 requires information on the applicant's reclamation plan, including postmining land uses, land use information, premining environmental resource information, vegetation information, and cross sections, maps, and plans regarding the presentation of premining slopes.
2. The uses of the information in §780.23 required by each of the specific paragraphs of this section are as follows:
 - (a) and (b) - This information is designed to aid the regulatory authority in making decisions on proposed postmining land use. The analysis required should discuss and compare the information required to be submitted under sections dealing with land use information and general reclamation requirements. This will provide the basis for a complete evaluation of the projected impacts of proposed mining and reclamation on the land-use capabilities of the area affected.
 - (c) - This section requires the application to include the surface owner's and local government land agency's comments on the proposed use of the land. Information from this section is used by the regulatory authority to evaluate the proposed postmining land uses and to assess the compatibility of the proposed land use with the existing land use policies and plans.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.

12. Burden Estimates:

a. Annual Burden to Respondents:

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and the information provided by the companies identified in item 8, there were 116 permit applications submitted, with each applicant requiring approximately 40 hours to prepare the reclamation plan, depending on the acreage of the proposed mine site. Therefore, 116 respondents x 40 hours per response = 4,640 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 SRA's have jurisdiction over 114 of the 116 mines, and they require 7.5 hours to review this section. Therefore, we estimate that the burden to SRA's is 114 mines x 7.5 hours = 855 hours.

Total burden for all respondents is **5,495 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in "Identical Responses to Statements" for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	2	22.83	** Expression is faulty **
Environmental Technician	24	39.09	** Expression is faulty **
Environmental Engineer	13	54.42	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Total	40		0

Therefore, the estimated annual wage cost for each industry respondent for §780.23 is \$1,773. The total wage cost to all industry respondents is \$1,773 x 116 permits = \$205,668.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.23 of each permit application is \$33.80 per hour x 7.5 hours = \$254 (rounded). The total wage cost to all State regulatory authorities is \$254 x 114 permit applications = \$28,899.

Therefore, we estimate that the burden to all respondents is \$205,668 for industry + \$28,899 for State regulatory authorities = \$234,567.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$100 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$100 x 116 applications = \$11,600.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 60 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 60 hours x \$67.32 = \$4,039.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 8 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,077 (2 applications x 8 hours per review x \$67.32 per hour).

Total Federal Cost

\$ 4,039 Oversight

+ \$ 1,077 Federal Programs
\$ 5,116 Total Federal Cost

15. There are currently 9,628 hours approved for this section. Due to a decrease in the number of applications, we are requesting an approval of 5,495 hours as shown below:

9,628 hours currently approved
- 4,133 hours due to adjustments
5,495 hours requested

This request includes a non-wage cost of \$11,600. This represents a decrease of \$8,700 due to an adjustment.

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

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

Justification

1. In accordance with sections 507(b)(14), 508(a)(5) and (13), 515(a), 515(b)(10) and (11), and 515(f) of the Act, §780.25 requires design and other permit application requirements for siltation structures, impoundments, and refuse piles.
2. Both permit applicants and SMCRA regulatory authorities use the information required by this rule to ensure that siltation structures, impoundments, and refuse piles are designed to protect public safety, property, and the environment.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden.
 - a. Burden Hour Estimates for Respondents.

Burden on Permit Applicants

According to our FY 2013 annual oversight evaluation reports, we and the states issued 116 new permits for surface mines during that year (114 by the states and 2 by us), all of which must include at least some of the information required by this section. Based on consultations with the industry representatives listed in item 8, each permit applicant will need an average of 6 hours to prepare the information required by §780.25 for siltation structures, impoundments, and refuse piles for each permit application. Permit applicants prepare and submit information under regulations and guidance implementing sections 401 and 404

of the Clean Water Act.

We estimate that the total annual burden to permit applicants for compliance with this section will be 696 hours (116 applications per year x 6 hours per application).

Burden on State Regulatory Authorities

Based on consultations with the State regulatory authorities listed in item 8, the regulatory authority will need an average of 4 hours to review the information required by §780.25 for siltation structures, impoundments, and refuse piles for each permit application.

Therefore, we estimate that the total annual burden for State regulatory authorities to review information submitted for §780.25 will be 456 hours (114 permit applications received by state regulatory authorities per year x 4 hours per application).

The total annual burden for all respondents is **1,152 hours**.

b. Estimated Annual Wage Cost to Respondents.

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost per Hour (\$)	Total Wage Burden (\$)
Clerical	.5	22.83	** Expression is faulty **
Engineering Technician	2	39.09	** Expression is faulty **
Mining Engineer	3	58.60	** Expression is faulty **
Operations Manager	.5	81.63	** Expression is faulty **
Totals	6		0

Therefore, the estimated annual wage cost for each industry respondent for §780.25 is \$306. The total wage cost to all industry respondents is \$306 x 116

permits = \$35,496.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.25 of each permit application is \$33.80 per hour x 4 hours = \$135 (rounded). The total wage cost to all State regulatory authorities is \$135 x 114 permit applications = \$15,390.

Therefore, we estimate that the burden to all respondents is \$35,496 for industry + \$15,390 for State regulatory authorities = \$50,886.

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

a. Capital and Start-Up Costs:

We estimate that non-labor costs for each application will average \$100 per application for items such as equipment, copying costs, and travel to the mine site and other locations, which translates to a total cost of \$11,600 for all applicants (116 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: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 18 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 18 hours x \$67.32 = \$1,212.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 4 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$539 (2 findings x 4 hours per finding x \$67.32 per hour).

Total Federal Cost

\$ 1,212 Oversight
+ \$ 539 Federal programs

\$ 1,751 Total Federal cost

15. There are currently 2,022 hours approved for this section. Because of a decrease in the number of applicants, we are requesting approval of 1,152 hours as shown below:

2,022 hours currently approved
- 870 hours due to an adjustment

1,152 hours requested

This request includes a non-wage cost of \$11,600. This represents a reduction of \$8,700 due to an adjustment.

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

§780.27 - Reclamation Plan: Surface Mining Near Underground Mining

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, studies conducted by OSMRE, and ongoing contacts with permit applicants, we estimated that 20% of the 116 permit applications (23) will be required to submit this information, with each applicant requiring 10 hours to complete this portion of the application. Therefore, 23 respondents x 10 hours per response = 230 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over the 23 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 23 mines x 5 hours per review = 115 hours.

Total burden for all respondents is **345 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	22.83	** Expression is faulty **
Mining Engineer	8	58.60	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Total	10		0

Therefore, the estimated annual wage cost for each industry respondent for §780.27 is \$574. The total wage cost to all industry respondents is \$574 x 116 permits = \$13,202.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.27 of each permit application is \$33.80 per hour x 5 hours = \$169 (rounded). The total wage cost to all State regulatory authorities is \$169 x 23 permit applications = \$3,887.

Therefore, we estimate that the burden to all respondents is \$13,202 for industry + \$3,887 for State regulatory authorities = \$17,089.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$25 x 23 applications = \$575.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 10 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 10 hours x \$67.32 = \$673.

Federal Programs: Based upon data collected in 2013, we do not anticipate receiving any applications which contain information for this section.

Total Federal Cost

	\$ 673 Oversight
+	\$ 0 Federal Programs
	\$ 673 Total Federal Cost

15. There are currently 3,035 hours approved for this section. Due to a decrease in the number of applications, we are requesting approval of 345 hours as shown below:

	3,035 hours currently approved
-	2,690 hours due to adjustments
	345 hours requested

This request includes a non-wage cost of \$575. This represents a reduction of \$4,500 due to an adjustment.

16. See Identical Responses to Statements.

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

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

The U.S. District Court for the District of Columbia on February 20, 2014, vacated the stream buffer zone rule that we published December 12, 2008 (73 FR 75814). The court remanded the matter to us for further proceedings consistent with the decision. In relevant part, the Memorandum Decision stated that vacatur of the 2008 stream buffer zone rule resulted in reinstatement of the regulations in effect before the vacated rule took effect. Therefore, consistent with the Memorandum Decision and Order of the court, this section has been eliminated.

§780.29 - Diversions

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, and information received from respondents identified in item 8, there are 116 permit applications with each applicant requiring 16 hours to complete this section of the application. Therefore, 116 respondents x 16 hours per response = 1,856 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 5 hours per review = 570 hours.

Total burden for all respondents is **2,426 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Clerical	1	22.83	** Expression is faulty **
Mining Engineer	14	58.60	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Total	16		0

Therefore, the estimated annual wage cost for each industry respondent for §780.29 is \$925. The total wage cost to all industry respondents is \$925 x 116 permits = \$107,300.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.29 of each permit application is \$33.80 per hour x 5 hours = \$169 (rounded). The total wage cost to all State regulatory authorities is \$169 x 114 permit applications = \$19,266.

Therefore, we estimate that the burden to all respondents is \$107,300 for industry + \$19,266 for State regulatory authorities = \$126,566.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$50 x 116 applications = \$5,800.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 24 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 24 hours x \$67.32 = \$1,616.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 5 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$673 (2 findings x 5 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 1,616	Oversight
+	\$ 673	Federal Programs
	\$ 2,289	Total Federal Cost

15. There are currently 4,253 hours approved for this section. Due to a decrease in the number of applications which includes this portion of the application, we are requesting an approval of 2,426 as shown below:

	4,253	hours currently approved
-	1,827	hours due to adjustments
	2,426	hours requested

This request includes a non-wage cost of \$5,800. This represents a reduction of

\$4,350 due to an adjustment.

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

§780.31 - Protection of Publicly Owned Parks and Historic Places

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, studies conducted by OSMRE, and ongoing contacts with permit applicants, there are 116 permits with each applicant requiring 8 hours to complete this portion of the application. Therefore, 116 respondents x 8 hours per response = 928 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 6 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 6 hours per review = 684 hours.

Total burden for all respondents is **1,612 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Environmental Technician	7	35.18	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Total	8		0

Therefore, the estimated annual wage cost for each industry respondent for §780.31 is \$328. The total wage cost to all industry respondents is \$328 x 116 permits = \$38,048.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.31 of each permit application is \$33.80 per hour x 6 hours = \$203 (rounded). The total wage cost to all State regulatory authorities is \$203 x 114 permit applications = \$23,142.

Therefore, we estimate that the burden to all respondents is \$38,048 for industry + \$23,142 for State regulatory authorities = \$61,190.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$400 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$400 x 116 applications = \$46,400.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 80 hours x \$67.32 = \$5,386.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 6 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$808 (2 findings x 6 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 5,386	Oversight
+	\$ 808	Federal Programs
	\$ 6,194	Total Federal Cost

15. There are currently 2,830 hours approved for this section. Due to a decrease in the number of applications which complete this portion of the application, we are requesting an approval of 1,612 as shown below:

	2,830	hours currently approved
-	1,218	hours due to an adjustment
	1,612	hours requested

This request includes a non-wage cost of \$46,400. This represents a reduction of \$34,800 due to an adjustment.

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

§780.33 - Relocation or Use of Public Roads

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and information received from respondents identified in item 8, there are 116 permit applications, with each applicant requiring 12 hours to complete this portion of the application. Therefore, 116 respondents x 12 hours per response = 1,392 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 3 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 3 hours per review = 342 hours.

Total burden for all respondents is **1,734 hours**.

b. Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Mining Engineer	10	58.60	** Expression is faulty **
Operations Manager	2	81.63	** Expression is faulty **
Total	12		0

Therefore, the estimated annual wage cost for each industry respondent for §780.33 is \$749. The total wage cost to all industry respondents is \$749 x 116 permits = \$86,884.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.33 of each permit application is \$33.80 per hour x 3 hours = \$101 (rounded). The total wage cost to all State regulatory authorities is \$101 x 114 permit applications = \$11,514.

Therefore, we estimate that the burden to all respondents is \$86,884 for industry + \$11,514 for State regulatory authorities = \$98,398.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$55 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$55 x 116 applications = \$6,380.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 40 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 40 hours x \$67.32 = \$2,693.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 3 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$404 (2 findings x 3 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 2,693	Oversight
+	\$ 404	Federal Programs
	\$ 3,097	Total Federal Cost

15. There are currently 3,039 hours approved for this section. Due to a decrease in the number of applications which completed this portion of the application, we are requesting approval of 1,734 as shown below:

	3,039	hours currently approved
-	1,305	hours due to adjustments
	1,734	hours requested

This request includes a non-wage cost of \$6,380. This represents a reduction of \$4,785 due to an adjustment.

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

§780.35 – Disposal of Excess Spoil

Justification

1. The regulations at §780.35, which establish permit application requirements for the disposal of excess spoil from surface mines, reflect the requirement in section 508(a)(5) of SMCRA that the permit application include a statement of the engineering techniques to be used in mining and reclamation, as well as a description of how the operation will comply with each requirement of section 515. Paragraph (b)(22) of section 515 addresses the disposal of excess spoil.
2. The regulatory authority uses the geotechnical investigation and fill design requirements of this section to ensure that excess spoil is disposed of safely in a stable manner with a minimum of adverse environmental impacts.
3. See list of items with identical responses.
4. See list of items with identical responses.
5. See list of items with identical responses.
6. See list of items with identical responses.
7. See list of items with identical responses.
8. See list of items with identical responses.
9. See list of items with identical responses.
10. See list of items with identical responses.
11. See list of items with identical responses.
12. Reporting and Reviewing Burden
 - a. Burden Hour Estimates for Respondents

Burden on Permit Applicants

According to studies that we and the states have previously completed, more than 98% of all excess spoil fills are located in Kentucky, Virginia, and West Virginia. Using data provided by OSMRE and state personnel from those States, Kentucky reports that in 2013 it issued 108 permitting actions (new permits, revisions, and amendments) involving excess spoil fills on surface mines, while West Virginia reports issuing an average of 60 such actions in 2013. According

to our FY 2013 annual oversight evaluation reports, Virginia and West Virginia issued nearly equal numbers of permits for surface mines in FY 2013, so we will use the same numbers for Virginia as West Virginia; i.e., we estimate that Virginia also issues an average of 60 permitting actions each year involving excess spoil fills on surface mines. We also estimate that a total of 3 permitting actions in other states (including 2 by OSMRE in Tennessee) will involve excess spoil fills on surface mines. Using these numbers, we estimate that we and the states will issue an average of 231 permitting actions (new permits, amendments, and major revisions) per year approving excess spoil fills on surface mines (108 in Kentucky + 60 in West Virginia + 60 in Virginia + 3 in other states).

Based on information received through consultations with the industry and state representatives, each applicant will need 27 hours to prepare the information required by §780.35. We estimate that the total annual burden to permit applicants for compliance with this section will be 6,237 hours (231 applications with excess spoil fills x 27 hours per application).

Burden on State Regulatory Authorities

Consultations with State regulatory authorities indicate that for each application, the regulatory authority will need 18 hours to review the information required by §780.35. We estimate that the total annual burden for State regulatory authorities to review permit applications for §780.35 will be 4,122 hours (229 permit and permit revision applications received per year by State regulatory authorities with proposed excess spoil fills x 18 hours per application).

Therefore, we estimate that the total annual burden for all respondents under this section will be **10,359 hours** (6,237 hours for permit applicants + 4,122 hours for State regulatory authority review).

b. Estimated Annual Wage Cost to Respondents

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost

Position	Hour Burden per Response	Cost per Hour (\$)	Total Wage Burden (\$)
Clerical	1	22.83	** Expression is faulty **
Engineering Technician	18	39.09	** Expression is faulty **
Mining Engineer	7	58.60	** Expression is faulty **
Operations Manager	1	81.63	** Expression is faulty **
Totals	27		0

Therefore, the estimated annual wage cost for each industry respondent for §780.35 is \$1,219. The total annual wage cost to all industry respondents is \$281,589 (\$1,219 per application x 231 new permit and permit revision applications per year that involve this section).

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review §780.35 of each permit application is \$33.80 per hour x 18 hours = \$608 (rounded). The total wage cost to all State regulatory authorities is \$608 x 229 permit applications = \$139,232.

Therefore, we estimate that the burden to all respondents is \$281,589 for industry + \$139,232 for State regulatory authorities = \$420,821.

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

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$600 may be included for permit application costs for items such as equipment, copying and travel to the mine site and other locations for data collection. Therefore, the estimated total cost to all respondents would be \$600 x 231 applications = \$138,600.

b. Operation, Maintenance and Services

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

14. Estimate of Costs to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 100 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 100 hours x \$67.32 = \$6,732.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 18 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$2,424 (2 applications x 18 hours per application x \$67.32 per hour).

Total Federal Cost

	\$ 6,732	Oversight
+	\$ 2,424	Federal programs
	\$ 9,156	Total Federal cost

15. There are currently 14,679 hours approved for this section. Due to a decrease in the number of permit applications and revisions that involve excess spoil disposal, we are now requesting approval of 10,359 burden hours for this section as shown below:

	14,679	hours currently approved
-	4,320	hours due to adjustments
	10,359	hours requested

This request includes a non-wage cost of \$138,600. This represents a decrease of \$57,600 due to an adjustment.

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

§780.37 – Road Systems

Justification

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

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports and information provided by the companies identified in item 8, there were 116 permit applications submitted, with each applicant requiring approximately 30 hours to prepare the engineering plans and drawings for roads. Therefore, 116 respondents x 30 hours per response = 3,480 total hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 10 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 10 hours per review = 1,140 hours.

Total burden for all respondents is **4,620 hours**.

Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	15	39.09	** Expression is faulty **
Civil Engineer	13	56.69	** Expression is faulty **
Operations Manager	2	81.63	** Expression is faulty **
Total	30		0

Therefore, the estimated annual wage cost for each industry respondent for \$780.37 is \$1,277. The total wage cost to all industry respondents is \$1,486 x 116 permits = \$172,376.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State environmental engineering technician will earn \$33.80 per hour with benefits. Therefore, the estimated total annual wage cost for State regulatory authorities to review \$780.37 of each permit application is \$33.80 per hour x 10 hours = \$338 (rounded). The total wage cost to all State regulatory authorities is \$338 x 114 permit applications = \$38,532.

Therefore, we estimate that the burden to all respondents is \$172,376 for industry + \$38,532 for State regulatory authorities = \$210,908.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

Nonlabor cost for each respondent of \$50 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$50 x 116 applications = \$5,800.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 80 hours x \$67.32 = \$5,386.

Federal Programs: Based upon data collected in 2010, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 10 hours to review each. At an average salary of \$67.32 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$1,346 (2 findings x 10 hours per finding x \$67.32 per hour).

Total Federal Cost

\$ 5,386 Oversight
+ \$ 1,346 Federal Programs
\$ 6,732 Total Federal Cost

15. There are currently 8,100 hours approved for this section. Due to a decrease in the number of applications which include this portion of the application, we are requesting approval of 4,620 as shown below:

8,100 hours currently approved
- 3,480 hours due to adjustments
4,620 hours requested

This request includes a non-wage cost of \$5,800. This represents a reduction of \$4,350 due to an adjustment.

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

§780.38 – Support Facilities

Justification

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

Burden on Mine Applicants and Permittees

Based on the Fiscal Year 2013 annual evaluation reports, information provided by the companies identified in item 8, there are 116 permit applications submitted, with each applicant requiring 25 hours to complete this portion of the application. Therefore, 116 respondents x 25 hours per response = 2,900 hours.

Burden on State Regulatory Authorities

Our FY 2013 oversight data show that the 24 State regulatory authorities have jurisdiction over 114 of the 116 mines mentioned above, requiring 5 hours to review this section of the permit application. Therefore, we estimate that the burden to State regulatory authorities is 114 mines x 5 hours per review = 570 hours.

Total burden for all respondents is **3,470 hours**.

Annual Wage Cost to Respondents:

Using BLS data for mining companies as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate the following wage costs (rounded) required to complete the collection for this section (wage costs include benefits calculated at 1.4 of hourly wages):

Industry Wage Cost			
Position	Hour Burden per Response	Cost Per Hour (\$)	Total Wage Burden (\$)
Engineering Technician	8	39.09	** Expression is faulty **
Mining Engineer	15	58.60	** Expression is faulty **
Operations Manager	2	81.63	** Expression is faulty **
Total	25		0

Therefore, the estimated annual wage cost for each industry respondent for \$780.38 is \$1,355. The total wage cost to all industry respondents is \$1,355 x 116 permits = \$157,180.

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

Using BLS data for State government employees as discussed in “Identical Responses to Statements” for item 12 on page 10, we estimate that a State engineering technician will earn \$33.80 per hour with benefits. Therefore, the

estimated total annual wage cost for State regulatory authorities to review \$780.38 of each permit application is \$33.80 per hour x 5 hours = \$169 (rounded). The total wage cost to all State regulatory authorities is \$169 x 114 permit applications = \$19,266.

Therefore, we estimate that the burden to all respondents is \$157,180 for industry + \$19,266 for State regulatory authorities = \$176,446.

13. Total Annual Cost Burden to Respondents:

a. Capital and Start-up Costs

A nonlabor cost for each respondent of \$25 may be included for permit application costs for items such as equipment, copying, travel to the mine site and other locations for data collection and laboratory analyzes. Therefore, the estimated total cost to all respondents would be \$25 x 116 applications = \$2,900.

b. Operation, Maintenance and Services

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

14. Estimate of Cost to the Federal Government:

Oversight: OSMRE believes that we will conduct an oversight review of this topic in one State program per year and that the review will require an average of 80 hours. A GS 13/5 regulatory program specialist/engineer earning \$67.32 per hour with benefits (see item 14, page 10 for details) will review the application. Therefore, the oversight cost for this section will be 80 hours x \$67.32 = \$5,386.

Federal Programs: Based upon data collected in 2013, we believe that we will receive approximately 2 applications for new permits where OSMRE is the regulatory authority, requiring 5 hours to review each. At an average salary of \$66.65 per hour as referenced above, the annual wage cost to the Federal government to review this section of the permit application will be \$673 (2 findings x 5 hours per finding x \$67.32 per hour).

Total Federal Cost

	\$ 5,386	Oversight
+	\$ 673	Federal Programs
	\$ 6,059	Total Federal Cost

15. There are currently 6,080 hours approved for this section. Due to a decrease in the number of applications which complete this portion of the application, we are

requesting approval of 3,470 as shown below:

6,080	hours currently approved
- 2,610	hours due to adjustments
3,470	hours requested

This request includes a non-wage cost of \$2,900. This represents a reduction of \$2,175 due to an adjustment.

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