Supporting Statement A
30 CFR Part 785 – Requirements for Permits for Special Categories of Mining
OMB Control Number 1029-0040

Terms of Clearance: None

General Instructions

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

Specific Instructions

Justification

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

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

7. ***Explain any special circumstances that would cause an information collection to be conducted in a manner:***

**** requiring respondents to report information to the agency more often than quarterly;***

**** requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;***

**** requiring respondents to submit more than an original and two copies of any document;***

**** requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;***

**** in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;***

**** requiring the use of a statistical data classification that has not been reviewed and approved by OMB;***

**** that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or***

**** requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

8. ***If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.***

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

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

9. ***Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.***

10. ***Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.***

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

12. Provide estimates of the hour burden of the collection of information. The statement should:

**** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.***

**** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.***

**** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under "Annual Cost to Federal Government."***

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

**** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.***

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

rulemaking containing the information collection, as appropriate.

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

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

Introduction

The Office of Surface Mining Reclamation and Enforcement (we or OSMRE) is submitting this information collection clearance package to request renewed approval to collect information for the requirements of 30 CFR Part 785 - Requirements for permits for special categories of mining. The Office of Management and Budget (OMB) previously reviewed this collection of information and assigned it control number 1029-0040.

Each section of Part 785 for which there is an information collection or recordkeeping requirement is discussed separately. However, responses to some items in the supporting statement are identical for each section; these responses appear on pages 5 - 9 of this document. The following table summarizes the information collection requirements for Part 785.

INFORMATION COLLECTION SUMMARY FOR 30 CFR PART 785

Section	Number of Applicant Responses	Number of State Responses	Hours Per Applicant	Hours per State	Total Hours Requested	Current ICB Hours	Changes To ICB
785.13	1	1	1,000	80	1,080	450	630
785.14	3	3	250	420	2,010	2,010	0
785.15	17	17	140	35	2,975	4,180	-1,205
785.16	1	1	10	40	50	100	-50
785.17	9	9	70	13	747	630	117
785.18	23	23	60	30	2,070	540	1,530
785.19	2	2	300	7	614	614	0
785.20	82	82	25	30	4,510	5,665	-1,155
785.22	1	1	40	24	64	64	0
785.25	50	50	70	24	4,700	8,320	-3,620
TOTAL	189	189			0	0	0

ITEMS WITH IDENTICAL RESPONSES

3. OSMRE continues to work with state regulatory authorities (SRAs) and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in most states to increase the use of electronic and information technology to improve efficiency and reduce the time and cost burden to permit applicants and SRAs. Virtually all SRAs have the capability of receiving permit applications electronically, either through a web site or via a DVD or CD. Some permit applicants use computer technology to create, store, and submit information electronically, but the percentage varies based on the size of the company and their technical abilities. Larger coal companies often have in-house staff or hire engineering firms to prepare their applications. These companies use automated technology to prepare and submit the applications to SRAs. Small coal companies, which may not have the technical capability or personnel capable of preparing and submitting applications,

may still submit paper forms. Once the SRAs receive paper applications, some states may be able to convert the applications to an electronic format for review and processing. The states with the greatest number of permit applications, such as Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia receive 85% or more electronically. Ohio mandates that all new permit applications be submitted electronically. Virginia and West Virginia have implemented a fully automated web-based electronic permitting system through which permit applications can be submitted entirely on-line, with technical corrections, review, and approval being done electronically. Nationally, OSMRE estimates that the SRAs are making progress in electronic permitting, receiving 70% of permit applications electronically.

4. The information requested by 30 CFR Part 785 is unique to each person or site. Circumstances vary with each proposed coal mining site in which a permit application has been received. Thus, there is no available information that can be used in lieu of that supplied on each application. Information is collected infrequently (generally only once, at the time that a person submits a special application for special categories of surface coal mining and reclamation operations). Duplication of such information is minimal to nonexistent.

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 to conduct special categories of coal mining and reclamation operations. Adequate documentation of this permit is essential to ensure protection of public health and safety, water quantity and quality, alluvial valley floors, prime farm lands, wild life and habitat, while encouraging maximizing the production or recovery of coal reserves and minimizing the environmental disturbances around the coal mining site. When applicable, small businesses may qualify for small operator assistance where the Federal government may provide financial assistance to the operator for 30 CFR Part 795.

6. Information is collected only at the time an application is made; therefore, frequency of collection does not apply here. Failure to collect the information requested for 30 CFR Part 785 would impair the ability of OSMRE and SRAs to ensure that respondents are conducting special categories of coal mining and reclamation operations in a manner that preserves and enhances environmental values in accordance with the Surface Mining Control and Reclamation Act (the Act or SMCRA).

7. No collection of information for 30 CFR Part 785 is inconsistent with the guidelines in 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting document.

8. In 2014, OSMRE contacted several respondents who had experience in preparing applications for the various special categories of mining. Respondents provided estimates of the reporting burden for each section within Part 785, which were used to determine an average burden, along with information from OSMRE field office personnel who are closely involved with the oversight of the application approval process for

special categories of mining. None of the respondents contacted expressed any particular concerns with the reporting requirements for this Part.

A review of Table 3 of the Annual Evaluation Reports submitted by the states/tribes for the past three years (Evaluation Years 2011 through 2013), revealed that a total of 555 applications were "issued" for the various special categories of mining. It should be noted that some applications span multiple years and may have been reported across multiple years, resulting in an inflated total. It is apparent that the applications are predominantly submitted and processed in the Appalachian Region, as shown below:

- Appalachian Region ---- 499 applications or 90% of the total
- Mid-Continent Region -- 55 applications or 10% of the total
- Western Region ---------- 1 application or much less than 1% of the total

In the absence of applications submitted in the Western Region over the prior 3 years, we did not contact a state regulatory authority or operator from a western state. The respondents that we did contact are listed below:

Scott McDiffitt
Engineer, South Region Regulatory Office -- Cambridge
Division of Mineral Resources
Ohio Department of Natural Resources
2050 East Wheeling Avenue
Cambridge, OH 43725
740-439-9079

Steve Weinzapfel
Regulatory Team, Chief of Reclamation
Indiana Department of Natural Resources
402 West Washington Street
Indianapolis, IN 46204
812-665-2207

Linda Fischer
Environmental Control Manager, Division of Mine Permits
Kentucky Department of Natural Resources
#2 Hudson Hollow
Frankfort, Kentucky 40601
502-564-2320

James Buck
President, Buckridge Environmental Engineering, Inc.
8344 Susan Court
Newburgh, IN 47630
812-858-9970

Gregory Higgins
Middle Fork Development Services, LLC (Consultant)

410 Falls Road
Staffordsville, KY 41256
606-794-2032

Sid Stanley
Engineer, Premier Elkhorn Coal Company
6920 Kentucky Highway 610 W
Jenkins, KY 41537
606-639-0933

Bill Winters
Supervisor, Technical Group
Office of Surface Mining Reclamation & Enforcement
Knoxville Field Office
710 Locust Street, 2nd Floor
Knoxville, Tennessee 37902
865-545-4103 extension 170

On November 12, 2014, OSMRE published a notice in the Federal Register (79 FR 67190), which provided 60 days for the public to comment on the information collection requirements of this part. OSMRE did not receive any comments regarding the information collection activities of this part.

9. Not applicable. OSMRE and SRAs provide no payments or gifts to respondents.

10. 30 CFR 773.13(d)(3) requires that each permit application must be available for public inspection. However, the applicant has the right to request confidentiality for information in the application, such as analysis of the chemical and physical properties of the coal to be mined, and the nature and location of archeological resources on public land and Indian land. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archaeological resources be kept confidential.

11. Not applicable. There are no questions of a sensitive nature.

12. OSMRE has estimated wage costs for respondents: industry and state regulatory employees. OSMRE has derived these wages from the Bureau of Labor Statistics (BLS) websites at http://www.bls.gov/oes/current/naics4_212100.htm for industry wages, and http://www.bls.gov/oes/current/naics4_999200.htm for state employee wages. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel and 1.5 for state employees per the BLS news release USDL-14-1673, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2014, dated September 10, 2014 (http://www.bls.gov/news.release/pdf/ecec.pdf).

13. a. Total Capital and Start-up Costs

Compliance with 30 CFR Part 785 does not involve any capital or start-up costs apart from those associated with customary business practices in the mining industry.

b. Total Operation and Maintenance and Purchase of Services Costs

There are no significant or distinct operation or maintenance costs associated with this section beyond that required under normal and customary business activities.

14. Wage costs for OSMRE employees are calculated based on the Office of Personnel Management website http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/RUS_h.pdf. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel and 1.5 for state employees per the BLS news release USDL-14-1673.

16. Not applicable. OSMRE has no plans to publish the information collected.

17. Not applicable. OSMRE is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

18. Not applicable. There are no exceptions to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

30 CFR 785.13 – Experimental Practices Mining

Justification

1. Section 785.13 requires that a permit application include information for conducting experimental coal mining and reclamation practices, including a description of the performance standards for which variances or departures are requested, the duration of the experimental practice and any special monitoring mechanisms that will be implemented. Furthermore, the information includes documents, records, descriptions or narratives, maps, plans and data which demonstrate, or show: (1) how use of the experimental practice promotes advances in mining and reclamation technology; (2) how such practices allow an alternative postmining land use for industrial, commercial, residential or public use; (3) whether such practices are environmentally protective in compliance with the performance standards provided under subchapter K of SMCRA regulations or will not reduce the protection provided by the requirements of subchapter K; and (4) whether an operator undertaking such an experimental practice will conduct the periodic monitoring, recording and reporting program delineated in the application or supporting documents.

   Section 785.13(e) requires that the variances applicable to prime farmlands may be granted after consultation with the U.S. Department of Agriculture, Soil Conservation Service (currently, Natural Resource Conservation Services). Section 785.13(g) requires that after a permit is granted, the regulatory authority assess such experimental practices after two and a half years. The regulatory authority, then, may request appropriate modifications of the experimental practices.

   Section 711 of SMCRA provides departure on an individual experimental or research basis from the environmental protection standards under sections 515 and 516 in SMCRA and subchapter K of SMCRA regulations. The objective of such departures is to encourage advances in mining technology and alternative reclamation practices or to allow alternative postmining land use for industrial, commercial, residential, or public use (including recreational facilities). Experimental practices may be undertaken if they are approved by the SRA or the Director of OSMRE, with the approval of the Secretary. The SRA or the Director may require additional information as they feel necessary or may request reasonable modifications of the experimental practice as are necessary to ensure that the activities fully protect the environment and the public health and safety.

   Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, authorizes collection of the information required by §785.13 that is not expressly required under sections 515, 516 and 711 of the Act. Collection of this information is necessary to enforce the performance standards requirements of sections 515 and 516 of the Act, as well as to determine whether an experimental practice permit is required under section 711 of the Act.

2. OSMRE and SRAs under SMCRA use the information collected for §785.13 in order to:

(1) ensure the protection of the environment and public health and safety during and after the experimental practice granted under section 711 of SMCRA; (2) promote advances in mining technology and alternative reclamation practices; (3) allow alternative postmining land uses; and (4) effectively monitor the progress of such experimental practices.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Experimental Practices Permits

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that only 1 application of this type was submitted in the three-year period. Therefore, we estimate that 1 application for experimental practices will be approved each year. We spoke with the respondent who prepared the aforementioned application, which involved reclamation using a weep berm process. This permit application contained an experimental practice that resulted in much greater preparation time than what we had previously seen for this category of special of mining. The respondent estimated that 10,000 hours were utilized --- including extensive monitoring and validation of methodologies. We previously estimated that preparation of a permit application for experimental mining and reclamation practices took an average of only 110 hours. We cannot ignore the possibility that a future permit application could require extensive burden, but normally not as extensive as the one recently received. Therefore, we are now increasing the estimated average time required to prepare a permit application for experimental practices from 110 hours to 1,000 hours. Accordingly, the total annual information collection burden for all respondents filing applications for §785.13 is estimated at 1,000 hours (1 application x 1,000 hours per application).

Burden on State Regulatory Authorities

We previously estimated that 40 hours were required to review and process the information contained for §785.13. More recent information indicates that there is additional time to review and process a permit application of the type that was most recently submitted. We now estimate that 80 hours are required to review and process the information contained for §785.13. Therefore, the SRA burden is estimated to be 80 hours (1 application x 80 hours per application).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.13 will be **1,080 hours** (1,000 hours for permit applicants + 80 hours for SRAs).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	120	22.83	** Expression is faulty **
Mining Engineer	820	58.60	** Expression is faulty **
Operations Manager	60	81.63	** Expression is faulty **
Total	1,000		0

Therefore, the estimated total annual cost for industry respondents for §785.13 is $55,690.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 80 hours to review an application for a permit application for §785.13. The estimated annual cost to SRAs is estimated to be approximately $4,974 (1 application for experimental practices for review x 80 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for under §785.13 is estimated to be $60,664 ($55,690 for permittee applications for experimental practices + $4,974 for state regulatory authority review of applications).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

OSMRE is the final decision authority on all experimental practices. We conduct the review, prepare the decision package, complete the NEPA review, and make the final concurrence. We estimate that we require 52 hours per application, or 52 total hours to process experimental practices applications (52 hours x 1 application). Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Therefore, OSMRE will expend 52 hours x $59.40, or $3,089 to process the experimental practice application.

Oversight: In keeping with the current guidance concerning oversight of state program implementation, which de-emphasizes process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.13 in the absence of an indication of problems. However, assuming we conduct an oversight review of this topic for one state program per year and that the review requires an average of 80 hours, the annual cost to the Federal government for this oversight activity is an estimated $3,089 (80 hours x $59.40 per hour).

Federal Program: Based on discussions with OSMRE staff we have not received an application for experimental practices in a Federal program state in several years.

Total Federal Cost:

$ 3,089	Federal review of all experimental practices
$ 3,089	Oversight
+ $ 0	Federal Programs
$ 6,178	Total Federal Cost

15. There are currently 450 hours approved for this section. We anticipate an adjustment that will increase the burden by 630 hours due primarily to the huge increase in preparing the only permit application of this type that was submitted in the past 3 years. The burden will change as follows:

450	hours currently approved
+ 630	hours due to an adjustment
1,080	hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.14 – Mountaintop Removal Mining

Justification

1. Section 785.14, authorized by section 515(c) of the Act, requires that a permit application include the information for conducting mountaintop removal mining and reclamation operations after consulting with the appropriate land-use planning agencies, engineers, and consultants. The permit applicant is required to demonstrate the following requirements: (1) an equal or better economic or public use for the proposed postmining land use -- an industrial, commercial, agricultural, residential or public facility use; and (2) compliance with the requirements of 30 CFR Part 824 in place of restoration to the approximate original contour (AOC).

   Section 785.14(d) provides that after mountaintop removal mining is granted, the regulatory authority reviews the progress and development of mining activities. After evaluation of such mining activities, the regulatory authority may request modifications of the mountaintop removal if it determines that more stringent measures are necessary.

   Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, authorizes collection of the information required by §785.14 that is not expressly required under section 515(c) of the Act. Collection of this information is necessary to ensure adherence to and enforce the requirements for mountaintop removal mining and reclamation activities under section 515(c) of the Act, as well as to determine whether a permit is granted without regard to the requirement to restore to AOC.

2. OSMRE and SRAs use the information collected for §785.14 in order to: (1) review information provided in the permit application regarding a variance from the original contour to make an evaluation and determination on original contour reclamation and reconstruction of pre-mining land use; (2) determine whether to approve or disapprove the land use variance of mountaintop removal mining; (3) assess the progress and development of mining activities to establish that the operator is proceeding in accordance with the terms of the variance; (4) determine the immediate and cumulative effect of stream losses due to valley fills and watershed vegetational alterations to aquatic ecosystems; (5) identify flooding potential sources as a result of mountaintop mining; (6) determine whether the proposed plan for a postmining land use is compatible with state and local land use plans and programs; and (7) ensure that the postmining land use plan is fully in compliance with the provisions of the regulatory program and the Act.

3. See list of items with identical responses.

4. See list of items with identical responses.

5. See list of items with identical responses.

6. See list of items with identical responses.

7. See list of items with identical responses.

8. See list of items with identical responses.

9. See list of items with identical responses.

10. See list of items with identical responses.

11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Mountaintop Removal Mining Permits

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 7 applications of this type were submitted in the three-year period. One was submitted in Kentucky and the other 6 in West Virginia. Taking into account what was received in the prior 3-year period as well, we estimate that 3 permit applications will be received each year in this category.

Based on past experience and new consultation with those identified in item 8 who prepared applications for mountaintop removal mining operations in Kentucky and West Virginia, the development of the mountaintop removal portion of a mining permit is estimated to require, on average, 250 hours. This estimate takes into account the differences in reporting burden in West Virginia than in other states, as West Virginia has additional requirements that go beyond SMCRA that cannot be clearly separated. Accordingly, the total annual information collection burden for all respondents filing permit applications for §785.14 is an estimated 750 hours (3 applications x 250 hours per application).

Burden on State Regulatory Authorities

Discussions with SRAs in the Appalachian region indicate that the time to review and process the information contained in a permit application for mountaintop removal mining can vary greatly, depending on the complexity and location of the proposed operation, and the extent of the requirements imposed, including those that are beyond SMCRA which cannot be separated out. The SRAs also indicated that the time for the permit review process has increased due to the continuing effect of various court decisions on litigation on mountaintop removal operations. Accordingly, upon consultation with the SRAs and OSMRE personnel experienced in mountain top removal mining in Appalachia, the average time required by the SRA is estimated to be 420 hours, and the total annual information collection burden on all SRAs for §785.14 is estimated to be 1,260 hours (3 applications x 420 hours per application).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.14 will be **2,010 hours** (750 hours for permit applicants and 1,260 hours for SRAs).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	30	90	22.83	0
Mining Engineer	200	600	58.60	0
Operations Manager	20	60	81.63	0
Total	250	0		0

Therefore, the estimated total annual cost for industry respondents for §785.14 is $42,113.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 420 hours to review this section of a permit application for §785.14. The estimated annual cost to SRAs is estimated to be approximately $78,347 (3 applications for mountaintop removal for review x 420 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.14 is estimated to be $120,460 ($42,113 for permittee applications for mountaintop mining + $78,347 for state regulatory authority review of mountaintop applications).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.14 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that the review requires an average of 75 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.14 is an estimated $4,455 (75 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal program regulatory authority personnel indicate that we have not received any applications for a mountaintop removal mining permit for which we are the regulatory authority in the last six years, and do not expect to receive any in the next few years.

Therefore, the total Federal cost is $4,455 for oversight.

15. There are currently 2,010 hours approved for this section. The burden will remain the same as follows:

2,010 hours currently approved
- 0 hours due to an adjustment
2,010 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.15 – Steep Slope Mining

Justification

1. Section 785.15 requires that a permit application include the information for conducting steep slope mining and reclamation operations in accordance with the requirements of §816.107 (backfilling and grading for surface mining on steep slope) and §817.107 (backfilling and grading for underground mining on steep slope).

   Section 515(d) of the Act provides that a regulatory authority may grant a permit for a steep slope mining if the permit applicant adheres, in addition to the general performance standards under section 515 of the Act, to the following performance standards requirements: (1) no debris, abandoned or disabled equipment, spoil material, or waste material on the down slope below the bench or mining cut; (2) completion of backfilling with spoil material necessary to cover the highwall and return the site to the AOC; and (3) non-disturbance of the land above the top of the highwall unless the regulatory authority finds that such disturbance will facilitate compliance with the environmental standards under section 515 of the Act.

   Collection of this information is necessary to ensure adherence to and enforce the performance standards requirements of section 515(d) of the Act, as well as to determine whether a permit is granted without regard to the reclamation requirements for steep slope mining in certain situations where steep slope mining is not applicable as set forth in section 515(d) of the Act.

2. OSMRE and SRAs use the information collected for §785.15 in order to: (1) ensure compliance with the requirements of §816.107; (2) ensure that any disturbance of land above the highwall is limited to that necessary to facilitate compliance with the environmental protection standards of section 515 of the Act; (3) evaluate the design to make sure that an excessive area above the highwall is not disturbed; (4) ensure that the backfilled area will remain stable and not be subject to excessive erosion if woody materials are allowed to be placed in the backfill area; and (5) determine that the plan for the reclaimed area is properly designed and does not present an environmental and public safety hazard.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Steep Slope Mining Permits

Steep slope mining and reclamation operations are conducted predominantly in Kentucky, Ohio, Virginia and West Virginia. OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 52 applications of this type were submitted in the three-year period. Therefore, we estimate that 17 permit applications will be received each year containing requests for steep slope mining. Consultation with the permittees identified in item 8 indicates that development of the steep slope portion of a mining permit requires an average of 140 hours. Accordingly, the total annual information collection burden for respondents filing permit applications for §785.15 is estimated to be 2,380 hours (17 applications x 140 hours per application).

Burden on State Regulatory Authorities

Discussions with the SRAs indicate that the SRA burden can vary depending of a variety of factors, including the size, complexity and location of the operation, as well as the level of applicable regulatory requirements. Recent information indicates that some states may need as little as 12 hours to review and process a permit application of this type, while others will need more than 60 hours. Based on this information, OSMRE estimates that a regulatory authority needs an average of 35 hours to review and process the information contained in a permit application for steep slope mining for §785.15. Accordingly, we estimate the total annual information collection burden on SRAs for §785.15 to be 595 hours (17 applications x 35 hours per application).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.15 will be **2,975 hours** for applications for steep slope mining permits (2,380 hours for permit applicants + 595 hours for regulatory authorities).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	20	340	22.83	0
Mining Engineer	110	1,870	58.60	0
Operations Manager	10	170	81.63	0
Total	140	2,380		0

Therefore, the estimated total annual cost for industry respondents for §785.15 is $131,221.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 35 hours to review this portion of an application for steep slope mining for §785.15. The estimated annual cost to SRAs is estimated to be approximately $36,997 (17 applications for steep slope mining x 35 hours per review x $62.18 per hour).

Therefore, the total wage cost to all respondents for §785.15 is estimated to be $168,218 ($131,221 for permittee applications for steep slope mining + $36,997 for SRA review of the steep slope mining portion of the permit applications).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.15 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 75 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.15 is an estimated $4,455 (75 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal regulatory program staff identified no recent applications for steep slope mining, and do not anticipate receiving any in the near future.

Accordingly, the estimated annual wage cost to the Federal government for §785.15 is $4,455 for oversight.

15. There are currently 4,180 hours approved for this section. We anticipate an adjustment that will reduce the burden by 1,205 hours because of an estimated decrease in the number of respondents. The burden will change as follows:

4,180 hours currently approved
- 1,205 hours due to an adjustment
2,975 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.16 – Permits Incorporating Variances from Approximate Original Contour Restoration Requirements for Steep Slope Mining

Justification

1. Section 785.16 provides that a regulatory authority may issue a permit for surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their approximate original contour (AOC) on steep slope operations in compliance with §§816.102, .104, .105, and .107, or 817.102 and .107. Section 785.16 requires that a permit applicant include information to support the application for an AOC variance on steep slope operations. The permit applicant is required to demonstrate the following requirements: (1) the applicability of a postmining land use for an industrial, commercial, residential or public postmining land use (including recreational facilities); (2) the performance standards associated with postmining land use as required in §816.133 or §817.133; (3) an improved watershed for lands within the proposed permit and adjacent areas; and (4) the landowner's request for the AOC variance.

   Section 785.16(e) also requires that after a variance for steep slope mining is granted, the regulatory authority review the progress and development of mining activities. Section 515 (d) and (e) of the Act provides that the regulatory authority may issue a permit for surface mining activities incorporating a variance from the requirement of AOC if the following conditions are met: (1) an equal or better economic or public use for the potential use of the affected land; (2) compliance with environmental standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and (3) the improved watershed of the affected land. Section 515(e)(5) of the Act provides that the regulatory authority shall promulgate specific regulations to govern the granting of variances in accordance of the provisions of section 515 of the Act and may impose such additional requirements as necessary.

   Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, authorizes collection of the information required by §785.16 that is not expressly required under section 515(c) of the Act. Collection of this information is necessary to ensure adherence to and enforce the performance standards requirements of section 515(c) of the Act.

2. OSMRE and SRAs use the information collected for §785.16 in order to: (1) evaluate the request for a variance from achieving AOC; (2) determine whether to approve or disapprove the land use variance for steep slope mining; (3) assess the progress and development of mining activities to ensure that the operator is proceeding in accordance with the terms of the variance; (4) determine whether the proposed plan for a postmining land use is compatible with state and local land use plans and programs; (5) determine the immediate and cumulative effect of stream losses due to valley fills and watershed vegetational alterations to aquatic ecosystems; (6) identify flooding potential sources as a result of mountaintop mining; and (7) ensure that the postmining land use plan is fully in

compliance with the provisions of the Act.

3. See list of items with identical responses.

4. See list of items with identical responses.

5. See list of items with identical responses.

6. See list of items with identical responses.

7. See list of items with identical responses.

8. See list of items with identical responses.

9. See list of items with identical responses.

10. See list of items with identical responses.

11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants of AOC Variances Permits for Steep Slope Mining

Steep slope mining and reclamation operations are conducted mostly in the Appalachian states of Kentucky, Ohio, Virginia and West Virginia. AOC variances are part of mountaintop removal mining permits for §785.14. OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of only 3 applications requesting this type of variance were submitted in the three-year period. Therefore, we estimate that approximately 1 permit applicant will request a variance from AOC for steep slope mining annually. Respondents estimated that it takes approximately 10 hours to prepare a variance request. Therefore, the total annual information collection burden for a person filing a permit application for §785.16 is an estimated 10 hours (1 application x 10 hours per application).

Burden on State Regulatory Authorities

SRAs estimated that the regulatory review time for a variance request would take 40 hours per permit variance application. Therefore, the total annual information collection burden on the SRAs for §785.16 is estimated to be 40 hours (1 application x 40 hours per application).

Total Burden

For all respondents, we estimate that the total annual information collection burden for

§785.16 will be **50 hours** (10 hours for a permit applicant and 40 hours for SRAs).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	2	2	22.83	0
Mining Engineer	7	7	58.60	0
Operations Manager	1	1	81.63	0
Total	0	10		0

Therefore, the estimated total annual cost for industry respondents for §785.16 is $538.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 40 hours to review this portion of an application for variances to steep slope mining for §785.16. The estimated annual cost to SRAs is estimated to be approximately $2,487 (1 application for an AOC variance for steep slope mining x 40 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.16 is estimated to be $3,025 ($538 for variances from AOC for steep slope mining + $2,487 for SRA review of the variances).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.16 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 40 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.16 is an estimated $2,376 (40 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal regulatory program staff identified no recent applications for steep slope mining, and do not anticipate receiving any in the near future.

Accordingly, the estimated annual wage cost to the Federal government for §785.16 is $2,376 for oversight.

15. There are currently 100 hours approved for this section. We anticipate an adjustment that will reduce the burden by 50 hours because of an estimated decrease in the number of respondents. The burden will change as follows:

100 hours currently approved
- 50 hours due to an adjustment
50 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.17 – Prime Farmland

Justification

1. The Surface Mining Control and Reclamation Act of 1977, contains special permitting and performance standards governing mining on prime farmlands as defined in section 701(20). Permit application and approval requirements are contained in sections 507(b)(16), 508(a)(2)(C), 508(a)(5) and 510(d). Section 507(b)(16) requires that a permit application contain a soil survey for those lands, which a reconnaissance inspection suggests may be identified as prime farmlands. Section 508(a)(2)(C) requires permit applications to contain a statement of the productivity of the land prior to mining including the appropriate classification as prime farmlands. Furthermore, section 510(d)(1) provides that the regulatory authority shall grant a permit to mine on prime farmlands if it "finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards in section 515(b)(7).

2. Section 785.17(b) [Authority Sec. 507(b)(16)] requires that the operator report the results of a reconnaissance inspection to determine if prime farmland exists. This report must include a confirmation that prime farmland does or does not exist in the permit area. The details and adequacy of the reconnaissance inspection is to be determined by the regulatory authority in consultation with the U.S. Department of Agriculture's, Soil Conservation Service (SCS) [currently, Natural Resources Conservation Service (NRCS)]. The reconnaissance inspection could involve a simple desk top review of a current soil survey or a complicated preparation of a complete soil survey to the standards of the National Cooperative Soil Survey.

   Section 785.17(c) [Authority Sec. 508(b)(5)] requires that, where prime farmland soils have been located, a plan for soil reconstruction, replacement, and stabilization must be prepared. This prime farmland soil reclamation plan will be used as the basis to establish proof of technological capability to restore the prime farmland soil horizons in the soil profile. Also other scientific data must be presented to establish that the method of soil reconstruction will result in equivalent or higher levels of yield.

   Section 785.17(d) [Authority Sec. 510(d)(1)] requires the regulatory authority to consult with the NRCS before issuing any permit that contain prime farmland soils. This review is to assist the regulatory authority in evaluating the adequacy of the proposed prime farmland soil reclamation plan so that restoration of equal or higher levels of productivity is achieved.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Prime Farmland Permits

Surface coal mining and reclamation operations on prime farmlands were conducted in the primacy states of Colorado, Illinois, Indiana, Kentucky, Ohio, and Texas during the past 3-year period. OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 27 applications including this type of mining situation were submitted in the three-year period. Therefore, we estimate that the number of permits received annually that include operations on prime farmland will remain the same as previously reported. Approximately 9 permits are received annually that include operations on prime farmland. The industry respondents in item 8 estimated that the time required for preparing the prime farmland portion of a permit would generally vary with the size of the mine, from about 40 hours for a medium sized mine to about 100 hours for a large mine, emphasizing the need for soil sampling and mixing. Therefore, the reporting burden is estimated to average 70 hours. Thus, approximately 630 hours are required to prepare the required information (9 permits x 70 hours per permit) for all applicants.

Burden on State Regulatory Authorities

In a discussion with the SRA on Prime farmland operations, he estimated that the state regulatory authority needs about 13 hours to review, process, and consult with the SCS (currently, NRCS) as needed, for permit applications for surface coal mining on prime farmlands for §785.17. Accordingly, we estimate that the total annual information collection burden on SRAs to be 117 hours (9 applications x 13 hours per permit).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.17 will be **747 hours** for a permit for surface mining on prime farmlands (630 hours for permit applicants and 117 hours for SRAs).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	10	90	22.83	0
Mining Engineer	54	486	58.60	0
Operations Manager	6	54	81.63	0
Total	70	630		0

Therefore, the estimated total annual cost for industry respondents for §785.17 is $32,590.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 10 hours to review this portion of an application for prime farmland for §785.17. The estimated annual cost to SRAs is estimated to be $7,275 (9 applications on prime farmland x 13 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.17 is estimated to be $39,865 ($32,590 for variances from AOC for steep slope mining + $7,275 for SRA review of the variances).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.17 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $51.51 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 40 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.17 is an estimated $2,376 (40 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal regulatory program staff identified no recent applications for steep slope mining, and do not anticipate receiving any in the near future.

Accordingly, the estimated annual wage cost to the Federal government for §785.17 is

$2,376 for oversight.

15. There are currently 630 hours approved for this section. We anticipate an adjustment that will increase the burden by 117 hours because of an estimated increase in the number of hours required to prepare this type of permit application, and for the SRAs to review. The burden will change as follows:

630 hours currently approved
+ 117 hours due to an adjustment
747 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.18 – Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Mining Activities

Justification

1. Section 785.18 requires that if a permit applicant conducts combined surface and underground mining activities where a variance is requested from the contemporaneous reclamation requirements of §816.100, then a permit applicant is required to file with the regulatory authority: (1) specific plans for the proposed underground mining operations showing that the operations are necessary or desirable to assure maximum practical recovery of mineral resources; (2) the permits necessary for underground mining operations; (3) plans showing how the mining and reclamation activities will comply with §816.79; (4) plans demonstrating how disturbances of surface lands or waters will be avoided; and (5) evidence that the areas proposed for variance are necessary for the implementation of proposed underground mining operations. The operator is also required to show that no substantial environmental damage, either on-site or off-site, will result from delay in the completion of reclamation.

   Section 515(b)(16) of the Act requires that reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable. To implement this provision, §785.18 requires that the permit applicant provide, as part of the permit application, appropriate narratives, maps, and specific, feasible plans to conduct combined surface and underground mining activities where a variance is requested from the contemporaneous reclamation requirement of §785.18.

   Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, authorizes collection of the information required by §785.18 that is not expressively required under section 515(b)(16) of the Act. Collection of this information is necessary to properly implement the provision regarding a variance from the contemporaneous reclamation requirement for combined surface and underground mining activities that is provided under section 515(b)(16) of the Act, and other provisions for the off-site storage of spoil under section 515(b)(22) of the Act.

2. OSMRE and SRAs use the information collected for §785.18 to ensure that persons who intend to seek variances for delay in contemporaneous reclamation requirements for combined surface and underground mining activities meet the statutory requirements of section 515(b)(16), and make a determination as to whether a variance from the contemporaneous reclamation can be granted. In addition, this information will be used to monitor and inspect surface and underground mining activities to ensure that they are conducted in a manner that preserves and enhances environmental and other values cited in the Act.

3. See list of items with identical responses.

4. See list of items with identical responses.

5. See list of items with identical responses.

6. See list of items with identical responses.

7. See list of items with identical responses.

8. See list of items with identical responses.

9. See list of items with identical responses.

10. See list of items with identical responses.

11. See list of items with identical responses.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Permits Incorporating Variances for Delay in Contemporaneous Reclamation Requirements

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 69 applications including this type of mining situation were submitted in the three-year period. Therefore, we estimate that there will be 23 operations requesting such a variance yearly.

Our recent discussion with the industry respondent identified in item 8 reported that it takes an average of 100 hours for an applicant to prepare a request for a variance, particularly when considering the back and forth with the state regulatory authority. However, this figure is much higher than we used three years ago. Averaging the new (higher number of hours) data with the lesser hours previously used three years ago, we estimate that the nationwide average time to prepare a request for a variance will be 60 hours. The total operator burden is estimated to be 1,380 hours (23 permits x 60 hours per permit) for all applicants.

Burden on State Regulatory Authorities

Based on our recent discussions with the SRAs, the SRA time to review and process the variance information can vary widely, from 10 to 60 hours, with a new, higher average of 30 hours per review. Therefore, the information collection burden for SRAs is estimated to be 690 hours (23 permits x 30 hours per permit).

Total Burden

For all respondents, we estimate that the total annual information collection burden §785.18 will be 2,070 hours (1,380 hours for permit applicants + 690 hours for regulatory authorities) for a permit for variances of delay in contemporaneous reclamation

requirement in combined surface and underground mining.

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	10	27	22.83	0
Mining Engineer	45	216	58.60	0
Operations Manager	5	27	81.63	0
Total	60	0		0

Therefore, the estimated total annual cost for industry respondents for §785.18 is $15,478.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 30 hours to review this portion of an application for §785.18. The estimated annual cost to SRAs is estimated to be $42,904 (23 applications with a variance from contemporaneous reclamation x 30 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.18 is estimated to be $58,382 ($15,478 for a variance for contemporaneous reclamation + $42,904 for SRA review of the variances).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.18 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 12 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.18 is an estimated $713 (12 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal regulatory program staff identified no recent applications for contemporaneous reclamation variances, and do not anticipate receiving any in the near future.

Accordingly, the estimated annual wage cost to the Federal government for §785.18 is $713 for oversight.

15. There are currently 540 hours approved for this section. We anticipate an adjustment that will increase the burden by 1,530 hours because of an estimated increase in the number of hours required to prepare this type of permit application and an increase in SRA review time. The burden will change as follows:

540 hours currently approved
+ 1,530 hours due to an adjustment
2,070 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.19 – Surface Coal Mining and Reclamation Operations on Areas or Adjacent to Areas Including Alluvial Valley Floors in the Arid and Semi-Arid Areas West of the 100th Meridian

Justification

1. Section 785.19 requires that a permit applicant who proposes to conduct surface coal mining and reclamation operations within an alluvial valley floor (AVF) in the arid and semiarid regions, may request the regulatory authority to determine the presence or absence of an alluvial floor by submitting available data and/or field studies, as an initial step in the application permit process. The studies may include detailed geologic, hydrologic, land use, soils, and vegetation data and analysis to demonstrate the probable presence of an alluvial floor around the permit area. The regulatory authority may require data collection, analysis or other supporting documents, maps, and illustrations in order to make its determination.

   If the regulatory authority determines that mining may be allowed based on available information, then the permit applicant shall submit a complete application, together with detailed surveys and baseline data for a determination of: (1) the hydrologic functions of the alluvial valley floor, including those factors which contribute to collecting water, storing water, regulating water, and water availability; (2) whether the operation will avoid the interruption, or preclusion of farming on the alluvial valley floor; (3) whether the operation will cause material damage to the quantity or quality of surface or ground waters supplied to the alluvial valley floor; (4) whether the reclamation plan is in compliance with the requirements of SMCRA and implementing regulations; and (5) whether the proposed monitoring system will provide enough information to measure compliance with 30 CFR Part 822 during and after mining and reclamation operations. Information collection for §785.19 is required to ensure compliance with section 510(b)(5)(A)of the Act, which requires that the proposed surface coal mining operation would not interrupt, discontinue, or preclude farming on alluvial valley floors if located west of the 100th meridian west longitude.

2. OSMRE and SRAs use the information collected for §785.19 to: (1) evaluate that persons who conduct surface coal mining and reclamation operations on areas or adjacent to areas including alluvial valley floors in the arid and semiarid areas west of the 100th meridian meet the statutory requirements of sections 515(b)(10)(F) and 510(b)(5)(A) of the Act; and (2) make a determination as to the extent of any alluvial valley floors within the area. The regulatory authority determines whether an alluvial valley floor exists by reviewing available data and field studies that include detailed geologic, hydrologic, land use, soils, and vegetation data. The regulatory authority may also request additional data collection and analysis or other supporting documents, maps and illustrations in order to make such a determination.

   In addition, the information collected for §785.19 is used to ensure that the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country are preserved throughout the mining and reclamation process and the proposed surface

coal mining operation would not interrupt, or preclude farming on alluvial valley floors that are irrigated or sub-irrigated.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Alluvial Valley Floors Mining Permits

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that there were no applications including this type of mining situation submitted in the three-year period. Despite the absence of this type of permit application in the past three years, we estimate that 2 permit applications will be submitted annually for lands which include AVF's. Based on information obtained from industry three years ago, the time needed to prepare the AVF portion of a permit is estimated to average 300 hours, and the total operator burden for all applicants is 600 hours.

Burden on State Regulatory Authorities

The SRAs indicated three years ago that an average of 7 hours is needed to review and process the information contained in a permit application which contain alluvial valley floors for §785.19. The time needed to review both permits would be 14 hours.

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.19 will be 614 hours (600 hours for the permit applicant and 14 hours for regulatory

authorities) for a permit for alluvial valley floors coal mining and reclamation activities.

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	30	60	22.83	0
Mining Engineer	260	520	58.60	0
Operations Manager	10	20	81.63	0
Total	0	0		0

Therefore, the estimated total annual cost for industry respondents for §785.19 is $33,475.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 7 hours to review this portion of an application for alluvial valley floors for §785.19. The estimated annual cost to SRAs is estimated to be approximately $871 (2 applications for AVF x 7 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.19 is estimated to be $34,346 ($33,475 for AVF + $871 for SRA review of the AVF).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.19 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that the review requires an average of 40 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.19 is an estimated $2,376 (40 hours per review x $59.40 per hour).

Federal Programs: Based on consultation with OSMRE staff who indicated that we have not issued a permit for alluvial valley floor coal mining and reclamation activities in Federal program states for a several years, we therefore estimate that we will not receive an application of this type under a Federal program in compliance with §785.19.

Therefore, the total Federal cost is 2,376 for oversight.

15. This information collection request does not change the burden currently approved by OMB for 614 hours.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.20 - Augering

Justification

1. Section 785.20 requires that a permit applicant who conducts surface coal mining and reclamation operations utilizing auger mining methods, submit a permit application that includes information contained in a separate description as part of the mining and reclamation plan, the auger mining methods to be used and the measures to be used to comply with 30 CFR Part 819. The statutory authority for this requirement is contained in section 515(b)(9) of the Act.

   Collection of this information is necessary to ensure adherence to and enforcement of the performance standards of section 515 of the Act, as well as to determine whether a permit for auger mining activities is issued in compliance with §785.20 and section 515(b)(9) of the Act.

2. OSMRE and SRAs use the information collected for §785.20 to ensure that the proposed auger mining and reclamation operations are planned and will be conducted to minimize disturbances to facilities, structure and the hydrologic balance and to assure maximum recovery of coal resources. Moreover, the information will assure the regulatory authority that no hazard is created to the environment, public health, or safety.

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. Estimated Information Collection Burden

    a. Burden Hour Estimates for Respondents

Burden on Applicants for Auger Mining Permits

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 245 applications including this type of mining situation were submitted in the three-year period. Therefore, we estimate that approximately 82 permits will be issued annually which include auger coal mining. OSMRE consulted with the individuals identified in item 8, who estimated the applicant burden to range from 10 to 40 hours, with an average of 25 hours to complete that portion of the permit related to auger mining required by §785.20. Accordingly, the total annual information collection burden for persons filing auger mining permits in compliance with §785.20 is estimated to be 2,050 hours (82 permits x 25 hours per permit).

Burden on State Regulatory Authorities

Discussions with the SRAs resulted in a wide range of estimates of time that a regulatory authority needs to review and process the information contained in a permit application for auger mining and reclamation activities in compliance with §785.20. We estimate that a reasonable estimate for the SRA burden for auger mining is approximately 30 hours. Therefore, the information collection burden for SRAs is estimated to be 2,460 hours (82 permits x 30 hours per permit).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.20 will be 4,510 hours for all permits containing auger mining methods and reclamation activities (2,050 hours for permit applicants + 2,460 hours for state regulatory authorities).

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	4	328	22.83	0
Mining Engineer	20	1,610	58.60	0
Operations Manager	1	82	81.63	0
Total	00	2,050		0

Therefore, the estimated total annual cost for industry respondents for §785.20 is $108,528.

Using wage costs for state physical scientists indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 30 hours to review this portion of an application for auger mining for

§785.20. The annual cost to SRAs is approximately $152,963 (82 applications for auger mining x 30 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.20 is estimated to be $261,491 ($108,528 for auger mining + $152,963 for SRA review of this portion of the application).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.20 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 24 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.20 is an estimated $1,426 (24 hours per review x $59.40 per hour).

Federal Programs: Discussions with OSMRE Federal regulatory program staff identified no recent applications for augur mining, and do not anticipate receiving any in the near future.

Accordingly, the estimated annual wage cost to the Federal government for §785.20 is $1,426.

15. There are currently 5,665 hours approved for this section. We anticipate an adjustment that will decrease the burden by 1,155 hours because of an estimated decrease in the number of respondents. The burden will change as follows:

5,665 hours currently approved
- 1,155 hours due to an adjustment
4,510 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.21 – Coal Preparation Plants Not Located Within the Permit Areas of a Mine

30 CFR 785.21 enumerates special permit requirements for coal preparation plants not located within the mine area. Any person who operates a processing plant as part of a coal mining operation [section 701(28)(A) of the Act] that is not located within the permit area of the mine must obtain a permit from the regulatory authority. The permit application shall include: (1) an operation and reclamation plan for the regulatory authority to determine if the operator has included all the required information; (2) maps of the processing plant, including boundaries, locations, roads, and total affected area delineation; (3) methods and cross-section of the construction operations and maintenance of the plant and supporting facilities; (4) plans for removal and dismantling of the plant and supporting facilities; and (5) reclamation plan of entire disturbed areas, including revegetation of affected areas to pre-mining status.

Since the information collection burden activities for the applicant to prepare a permit and the associated regulatory authority review and findings associated with this section is counted under the minimum permit application requirements of Subchapter G of the 30 CFR, OSMRE has included this information collection burden in the appropriate sections of Subchapter G.

30 CFR 785.22 – In Situ Processing Activities

Justification

1. Section 785.22 requires that a permit applicant who conducts underground coal mining and reclamation operations utilizing in situ processing activities, submit a permit application that includes information for all the requirements of §785.22 applicable to underground mining activities, and 30 CFR Parts 817 and 828. Information is contained in a complete permit application to establish how such operations will be conducted in compliance with the requirements of 30 CFR Part 828. Section 785.22 requires that such a permit application include: (1) delineation of proposed holes and wells and production zones; (2) specifications of drill holes and casings proposed to be used; (3) a plan for treatment of acid-forming gases, solids or liquids; and (4) plans for monitoring surface and ground water and air quality. The statutory authority for this information collection requirement is contained in sections 102, 201, 505, and 701 of the Act.

   Collection of this information is necessary to ensure adherence to and enforcement of the performance standards of section 515 of the Act, as well as to determine whether surface coal mining and reclamation operations utilizing in situ processing activities requires a permit for §785.22 and sections 102, 201, 505 and 701 of the Act.

2. OSMRE and SRAs use the information collected for §785.22 to ensure that the in situ processing activities are conducted in a manner that preserves and enhances environmental values, including air and water quality in accordance with the Act. Moreover, the information will assure the regulatory authority that the permit applicant would monitor the quantity and quality of surface and ground water in compliance with 30 CFR Parts 817 and 828 and approved by the regulatory authority.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for In Situ Mining Permits

OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that there were no applications including this type of mining situation submitted in the three-year period. Despite the absence of this type of permit application in the past three years, we estimate that approximately 1 permit will be issued annually which includes in situ activities in §785.22. Based on information obtained three years ago we estimate the applicant burden to be 40 hours to complete that portion of the permit related to in situ processing. Accordingly, the total annual information collection burden for permit applicants for §785.22 is estimated to be 40 hours.

Burden on State Regulatory Authorities

Three years ago, OSMRE staff indicated that a regulatory authority needed 24 hours to review and process the information contained in a permit application for in situ mining and reclamation activities in compliance with §785.22.

Total Burden

For all respondents, we estimate that the total annual information collection burden §785.22 will be **64 hours** (40 hours for permit applicants + 24 hours for regulatory authorities) for a permit applying for in situ mining and reclamation activities.

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	7	7	22.83	0
Mining Engineer	30	30	58.60	0
Operations Manager	3	3	81.63	0
Total	0	0		0

Therefore, the estimated total annual cost for industry respondents for §785.22 is $2,163.

Using wage costs for state mining engineer indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 24 hours to review this portion of an application for in situ mining and

reclamation in §785.20. The annual cost to SRAs is approximately $1,492 (1 application for in situ processing x 24 hours per review x $62.18 per hour).

Therefore, the total cost to all respondents for §785.22 is estimated to be $3,655 ($2,163 for in situ processing + $1,492 for the SRA to review this portion of the application).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.22 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 16 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.22 is an estimated $950 (16 hours per review x $59.40 per hour).

Federal Programs: There were no permit applications received for in situ processing activities in Federal program states, and do not anticipate receiving in the next few years.

Therefore, the total cost to the Federal government to comply with the requirements of §785.22 is $950.

15. This information collection request does not change the burden currently approved by OMB for 64 hours.

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.

30 CFR 785.25 – Lands Eligible for Remining

Justification

1. Section 785.25(a) and (b) require that a permit applicant who conducts surface coal mining on lands eligible for remining, submit a permit application that includes all the information required under the current laws and regulations that are applicable to surface coal mining and reclamation operations. In addition, the applicant is required to identify potential environmental and safety problems related to prior mining activity at the site and that could reasonably be anticipated to occur. The applicant must also describe the mitigative measures for those environmental and safety problems that will be taken to ensure that the applicable reclamation requirements of the regulatory program can be met. These requirements are necessary to comply with §773.13 regarding issuance of a permit to an operator with an unabated violation that results from an unanticipated event or condition at a remining site. These information collection requirements apply to operations on lands eligible for remining in response to the requirements stemming from the Energy Policy Act of 1992 and the addition of section 415 to SMCRA made through the Tax Relief and Health Care Act of 2006. The statutory authority for this information collection requirement is contained in sections 102, 201, 415, 505, and 701 of the Act.

   Collection of this information is necessary to ensure adherence to and enforcement of the performance standards requirements of section 515 of the Act, as well as to determine whether a permit is issued in compliance with §785.25 and sections 102, 201, 505 and 701 of the Act.

2. The information required in §785.25(a) and (b) is necessary to allow states to issue permits to applicants with unabated violations in compliance with §773.13. For §773.13 a permit applicant is eligible for a permit, even if he or she has an unabated violation, if that unabated violation occurred after October 24, 1992, and resulted from an unanticipated event or condition at a surface coal mining and reclamation operation on lands that are eligible for remining. Unanticipated events or conditions are those that arose after permit issuance, were related to prior mining, and were not identified in the permit application. The information required by §785.25(a) and (b) will assist states in making the determination that unabated violations were the result of unanticipated events or conditions and allow them to issue a permit to an applicant with an unabated violation meeting those conditions.

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. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Burden on Applicants for Remining Permits

Remining activities are taking place largely in the coal mining states in the Appalachian region, including Kentucky, Ohio, Pennsylvania, Virginia and West Virginia. OSMRE's review of the Annual Evaluation Reports submitted by each state for the three most recent years, found that a total of 151 applications including this type of mining were submitted in the three-year period. We estimate that approximately 50 applications containing areas intended for remining will be submitted annually. Respondents estimate that each permit applicant requires an average of 70 hours to prepare the remining portion of the application. Assuming that 50 applications for remining are received annually, the total annual information collection burden for operators filing permit applications for §785.25 is an estimated 3,500 hours (50 applications x 70 hours per application).

Burden on State Regulatory Authorities

Discussions with the SRAs identified in item 8 indicate that a regulatory authority needs 24 hours to review and process the information contained in a permit application for remining §785.25. Accordingly, the total annual information collection burden on SRAs for §785.25 is an estimated 1,200 hours (50 permits x 24 hours per application).

Total Burden

For all respondents, we estimate that the total annual information collection burden for §785.25 will be **4,700 hours** (3,500 hours for permit applicants and 1,200 hours for regulatory authorities) for an application for remining activities.

b. Estimate of Respondent Annual Wage Cost

OSMRE has estimated the wage cost as follows, including benefits as discussed in item 12, page 8:

Industry Wage Cost

Position	Hour Burden per Response	Total Hours	Cost Per Hour ($)	Total Wage Burden ($) (rounded)
Clerical	6	300	22.83	0
Mining Engineer	61	3,050	58.60	0
Operations Manager	3	150	81.63	0
Total	700	3,500		0

Therefore, the estimated total annual cost for industry respondents for §785.25 is $197,824.

Using wage costs for state physical scientists indicated in item 12, page 8, we estimate that the wage cost is $62.18 per hour including benefits. We estimate SRAs will require an average of 24 hours to review this portion of an application for remining operations for §785.25. The annual cost to SRAs is approximately $74,616 (50 remining applications x 24 hours per review x $62.18 per hour).

Therefore, we estimate that the total annual wage cost of compliance with §785.25 for all respondents will total $272,440 ($197,824 + $74,616).

13. See list of items with identical responses.

14. Estimate of Annualized Cost to the Federal Government

Oversight: In keeping with the current guideline concerning oversight of state program implementation, which de-emphasize process reviews, we do not anticipate conducting any significant oversight review of state compliance with the requirements of §785.25 in the absence of an indication of problems. Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of $59.40 per hour including benefits (see item 14, page 9 for an explanation of Federal wages). Assuming that we conduct an oversight review of this topic for one state program per year and that each review requires an average of 50 hours, the annual total cost to the Federal government for this oversight activity in compliance with §785.25 is an estimated $2,970 (50 hours per review x $59.40 per hour).

Federal Programs: There were no permit applications received for remining activities in Federal program states, and do not anticipate receiving in the next few years.

Therefore, the total cost to the Federal government to comply with the requirements of §785.25 is $2,970.

15. There are currently 8,320 hours approved for this section. We anticipate an adjustment that will decrease the burden by 3,620 hours because of a decrease in both the number of respondents and the time to prepare this type of permit application. The burden will change as follows:

8,320 hours currently approved
- 3,620 hours due to an adjustment
4,700 hours requested

16. See list of items with identical responses.

17. See list of items with identical responses.

18. See list of items with identical responses.