

## Supporting Statement A

### 30 CFR Part 778 – Permit Applications – Minimum Requirements for Legal, Financial, Compliance and Related Information

OMB Control Number: 1029-0117

**Terms of Clearance:** None

#### **General Instructions**

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

#### **Specific Instructions**

##### **Justification**

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

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

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

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

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

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

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

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

## ***Introduction***

The Office of Surface Mining Reclamation and Enforcement (OSMRE) is submitting this request for Office of Management and Budget (OMB) approval to collect information under 30 CFR Part 778 - Permit Applications – Minimum Requirements for Legal, Financial, Compliance, and Related Information.

The regulatory provisions of 30 CFR Part 778 govern the minimum requirements of information required from applicants in their applications for new permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The requirements include identification of the applicant itself and its operator, if known at the time of application; the identity and address for the resident agent and affiliates of the applicant and operator; identity of the affiliates of the applicant and operator that meet the regulatory definitions at 30 CFR 701.5 of control or controller and own, owner, and ownership; permit history; property interests; violation information; right of entry; the status of any claims of lands unsuitable for mining and reclamation within the proposed permit area; term of the permit; required insurance; and description of any structures or facilities proposed to be used in common with other, separately permitted, surface coal mining operations. The regulatory provisions in 30 CFR Part 778 are authorized under sections 507 and 510 of the Surface Mining Control and Reclamation Act of 1977, as amended, (SMCRA or the Act), 30 U.S.C. 1201.

The provisions under 30 CFR Part 778 that incur an information collection burden are as follows.

- Section 778.9(a)(1) allows an applicant the benefit to certify by reference that all or part of the information in Applicant Violator System (AVS) concerning the applicant is accurate and complete;
- Section 778.9(a)(2) allows an applicant the benefit to certify by reference that part of the information in AVS concerning the applicant is accurate and complete but that part of the information is missing from or incorrect in AVS.
- Section 778.9(b) requires an applicant to swear or affirm, under oath and in writing that the information provided in an application is accurate and complete.
- Section 778.9(d) requires an applicant, before an application is approved, to update, correct, or indicate no change has occurred in the information required under 778.9, 778.11, and 778.14.
- Section 778.11(a)(1) requires applicants to disclose the legal form of the business entity applying for the permit and the legal form of the business entity proposed as the applicant's operator, if the applicant has retained an operator at the time of application. The reporting entity selects a form from the list of "corporations, partnerships, sole proprietorships, or other." OSMRE is adding the legal form of "associations" to the list as a choice. This change will not affect the reporting burden.
- Section 778.11(a)(2) requires an applicant to disclose the applicant and operator's tax identification number.
- Section 778.11(b)(1) requires an applicant to disclose its name, address, and telephone number.

- Section 778.11(b)(2) requires an applicant to disclose the name, address, and telephone number of its resident agent.
- Section 778.11(b)(3) requires an applicant to disclose the name, address, and telephone number of the applicant's operator.
- Section 778.11(b)(4) requires the identification of each business entity in the applicant's and operator's organizational structure, up to and including the ultimate parent entity of the applicant and operator. For each business entity the reporter will identify required information for every president, chief executive officer, director (or person in similar positions), and every person who owns, of record, 10 percent or more of the entity.
- Section 778.11(c) requires an applicant to disclose the name of every officer, partner, member, director, person performing a function similar to a director, and persons who own 10 percent or more of the applicant.
- Section 778.11(d) requires an applicant to disclose in an application the address, telephone number, position title, relationship to the applicant and its operator, percentage of ownership, location in the organizational structure, and beginning date for every person identified in paragraph (c).
- Section 778.12(a) requires an applicant to disclose for itself and its operator all of the business names under which the applicant, operator, and their partners and principal shareholders currently operate or have operated a surface coal mining operation in the United States within the five-year period preceding the date of submission of an application.
- Section 778.12(b) requires an applicant to disclose for it and its operator a list identifying any pending applications filed in the United States.
- Section 778.12(c) requires an applicant to disclose for itself and its operator in an application the name, address, taxpayer identification number, Federal and State permit number, corresponding Mine Safety and Health Administration (MSHA) identification number, regulatory authority with jurisdiction, the permittee's and operator's relationship to the operation, including the percentage of ownership and location in the organizational structure for any surface coal mining operations owned or controlled by the applicant or its operator within the five-year period preceding the date of submission of an application.
- Section 778.13(a) requires an applicant to disclose in an application the name and address for each legal or equitable owner of the surface area and mineral, the leaseholder, and purchaser(s) of record under a real estate contract.
- Section 778.13(b) requires an applicant to disclose in an application the name and address of each owner of all surface and subsurface property contiguous to any part of the proposed permit area.
- Section 778.13(c) requires an applicant to disclose in an application a statement of all interests, or pending bids the applicant holds or have made for lands contiguous to the proposed permit area.
- Section 778.13(d), requires an applicant to disclose in an application the MSHA identification numbers for all structures that require MSHA approval.
- Section 778.14(a) requires an applicant to disclose in an application whether it, its operator, or any subsidiary, affiliate, or other entity which the applicant or operator own or control or which is under common control with the applicant or operator has had a Federal or State permit for a surface coal mining operation suspended or revoked or

forfeited a performance bond or similar security during the five-year period preceding the date of submission of the application.

- Section 778.14(b) requires an applicant to disclose in an application for each suspension or revocation of a permit or bond forfeiture, a brief explanation of the facts involved, including the permit number, date of suspension, or forfeiture, the regulatory authority taking the action, the current status of the permit, bond, or similar security, and the date, location, type, and current status of any judicial or administrative proceedings concerning the suspension, revocation, or forfeiture.
- Section 778.14(c) requires an applicant to disclose in an application a list of violation notices received by the applicant and its operator for any surface coal mining and reclamation operation during the three-year period preceding the date of submission of the application. In addition, an applicant is required to submit a list of all unabated or uncorrected violation notices and the associated permit number, MSHA number, issue date, current status, name of the person to whom the notice was issued, the regulatory authority that issued the violation notice, a brief description of the alleged violation, the date, location, type, and current status of any administrative or judicial proceeding concerning the violation notice, for violation notices where the abatement date has not expired, certify that the violation is being abated or corrected to the satisfaction of the regulatory authority with jurisdiction, or describe actions taken to abate or correct the violation.
- Section 778.15(a) requires an applicant to describe in an application the documents that comprise the legal right to enter and mine the permit area.
- Section 778.15(b) requires an applicant to submit a copy of the written consent of the surface owner for the extraction of coal by surface mining methods, a copy of the conveyance that expressly grants or reserves the right to extract coal by the surface mining method, or documentation that under applicable State law, the applicant has the legal authority to extract the coal using surface mining methods.
- Section 778.16(a) requires an applicant to provide in an application the available information as to whether the proposed permit area is within an area designated as unsuitable for mining or is within an area under study for such designation.
- Section 778.16(b) requires an applicant to provide in an application documents that support any claim for an exemption from an unsuitability determination, including its assertion that it has made substantial legal and financial commitments to the proposed permit area before January 4, 1977.
- Section 778.17(a) requires an applicant to provide in an application a statement as to the anticipated or actual starting and terminating dates of each phase of the surface coal mining and reclamation operation, and the anticipated number of acres that will be affected over the life of the operation.
- Section 778.17(b) requires an applicant to provide in an application reasonable justification, in writing by the applicant's proposed source of financing, if the applicant proposes to require more than five years before beginning operations.
- Section 778.22 requires an applicant to provide plans in an application when facilities or structures are proposed to be shared by two or more separately permitted surface coal mining operations.

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

Due to a significant decrease in the number of respondents submitting new permits and permit revisions that add acreage, this information collection submission will result in a decrease of 4,607 hours to the information collection burden for 30 CFR Part 778.

Summary  
Information Collection  
30 CFR Part 778

SECTION	APPLICANT RESPONSES	STATE RESPONSES	CURRENTLY APPROVED	TOTAL HOURS REQUESTED	CHANGE TO BURDEN
778.9	478	0	1,151	628	-523
778.11	40	0	1,072	512	-560
778.12	40	0	520	288	-232
778.13	40	0	268	168	-100
778.14	40	0	400	192	-208
778.15	162	160	2,698	1,290	-1,408
778.16	105	104	1,539	734	-805
778.17	162	160	1,012	484	-528
778.22	24	24	459	216	-243
TOTALS	1,091	0	0	0	0

Summary of Applicant Non-Wage Costs and Federal Burden

Section	Applicant/Permittee Non-Wage Cost Burden	Total Federal Burden
778.9	\$0	\$2,314
778.11	\$0	\$2,314
778.12	\$0	\$2,314
778.13	\$0	\$2,314
778.14	\$0	\$2,314
778.15	\$0	\$810
778.16	\$0	\$289
778.17	\$0	\$579
778.22	\$0	\$116
<b>TOTALS</b>	<b>\$0</b>	<b>\$0</b>

## IDENTICAL RESPONSES TO STATEMENTS

### *Justification*

3. The required information under 30 CFR Part 778 is provided by applicants for permits. Applicants are required to disclose legal, financial, permit history, property, compliance, right of entry, status of lands unsuitable for surface coal mining, proof of publication of the required advertisement, and facilities or structures used in common with other mining operations information in an application. The legal authority for information collected under 30 CFR Part 778 from applicants and States is authorized under SMCRA, at sections 507 and 510.

Most of the information collected in 30 CFR Part 778 is collected electronically. OSMRE and 24 approved State regulatory programs maintain and use AVS for a variety of purposes, including permitting and enforcement. The industry and general public may also access AVS to view applicant, permittee, permit history, and violation information. OSMRE also provides business information from AVS in electronic form to applicants, operators, and AML contractors on request.

Virtually all State regulatory authorities have the capability of receiving permit applications electronically, either through an ftp site, State web site, or via CD-ROM. Some permit applicants use computer technology to create, store, and submit information electronically, but the percentage varies based on the size of the company and their technical abilities. Larger coal companies have in-house staff or hire engineering firms to prepare their applications. These companies use automated technology to prepare and submit the applications to State regulatory authorities. Small coal companies, which may not have the technical capability or personnel capable of preparing and submitting applications, may still submit paper forms. Once the State regulatory authorities receive paper applications, some will convert the applications to an electronic format for review and processing. The states with the greatest number of permit applications, such as Pennsylvania, West Virginia, and Kentucky, receive 100% electronically, while some receive 0%. Nationally, OSMRE estimates that the State regulatory authorities receive approximately 75% of permit applications electronically.

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

4. The required information under 30 CFR Part 778 is unique to each surface coal mining operation. No other source of the information is available. Respondents are companies in the coal mining business who apply for new permits and other permitting actions. Applicants must comply with the statutory information disclosure requirements for applications.

5. There are no special provisions for small businesses or other small entities under these regulations. However, OSMRE does have a small operator assistance program, regulated under 30 CFR Part 795, which provides financial assistance to small operators to pay qualified laboratories to collect and analyze specific data for coal mining permits, which has a separately approved information collection clearance number.
6. Respondents provide information required by 30 CFR Part 778 only at the time of application for a new permit, when changes occur requiring information updates or other permitting actions. Less frequent collection of the information would compromise the accuracy and completeness of information required for nationwide permitting and enforcement purposes and would not be in compliance with the Act.
7. The information collection under 30 CFR Part 778 is consistent with 5 CFR 1320(d)(2), except the number of applications requested by the State regulatory authorities. States will require from one to five copies of permit applications depending on the State and whether they receive electronic or paper copies. States are progressing towards e-permitting where they only require one copy.
1. We contacted two regulatory authorities and one mining consulting firm that prepare mining permit applications. We supplied a concise description of the type of information collection burden imposed by 30 CFR Part 778, the currently approved burden, along with a request for their estimates of burden associated with the information collection requirements, and any other comments they wished to make regarding the clarity of the rules and potential burden.

Illinois Department of Natural Resources  
Office of Mines and Minerals  
Springfield, IL

Permit Review Specialist  
Virginia Department of Mines, Minerals, and Energy  
Big Stone Gap, VA

Midwest Reclamation Services Inc.  
Murphysboro, IL

We also contacted an OSMRE employee to determine burden estimates by Federal government employees where they are acting as the regulatory authority for a particular state or tribe:

Chief, Program Support Branch  
OSMRE  
Knoxville Field Office  
Knoxville, TN

The Federal and industry officials agree that the current information collection requirements in 30 CFR Part 778 for industry respondents are somewhat burdensome. However, they also agree that the information required in 30 CFR Part 778 is required under the Act and is necessary for the permitting process. Federal, State, and industry respondents provided burden estimates which have been incorporated into this information collection request.

On March 18, 2016, OSMRE published in the Federal Register (81 FR 14888) a notice requesting comments from the public regarding the need for the collection of information, the accuracy of the burden estimate, ways to enhance the information collection, and ways to minimize the burden on respondents. This notice gave the public 60 days in which to comment. However, no comments were received.

9. OSMRE does not provide payments or gifts to respondents.
10. No confidential information is solicited or required under the information collection requirements for 30 CFR Part 778. If an applicant identifies information in an application it wants to remain confidential, regulatory authorities rely upon the provisions at 30 CFR 773.6(d) to ensure confidentiality of qualified information. There are limitations to information that may qualify for confidentiality.
11. No sensitive information is solicited or required under the information collection requirements for 30 CFR Part 778.
12. OSMRE has estimated wage costs for respondents: industry and State regulatory authorities. OSMRE has derived these wages from the Bureau of Labor Statistics (BLS) websites at [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm) for industry wages and [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm) for State employees. Benefits have been calculated using a ratio between wages and benefits using a rate of 1.4 of the salary for industry personnel and 1.5 for State employees per the BLS news release USDL-16-0463 entitled EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—DECEMBER 2015 at - <http://www.bls.gov/news.release/pdf/ecec.pdf>, dated March 10, 2016.
14. OSMRE has also estimated wage costs for Federal employees. Wage estimates for OSMRE employees discussed in the sections below are derived from the Office of Personnel Management's website at [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS_h.pdf), and include benefits using a 1.5 multiplier from the ratio between wages and benefits derived from the BLS news release USDL-16-0463.
16. OSMRE has no plans to publish the information collected for 30 CFR Part 778. However, public information disclosed under 30 CFR Part 778 is entered and maintained in AVS.

17. OSMRE does not seek a waiver from the requirement to display the expiration date of the OMB approval of the information collection under 30 CFR Part 778. The OMB control number for this Part is 1029-0117 and is found at §778.8.
18. There are no exceptions to the certification statement.

## **Section 778.9 – Certifying and Updating Existing Permit Application Information**

### ***Justification***

1. Section 778.9 allows applicants for permits to disclose all or part of specific application information by certified reference to OSMRE’s Applicant/Violator System (AVS); swear or affirm that submitted application information is accurate and complete; and update or correct information before an application can be approved. Section 778.9 also requires that applicants that cannot use the benefit of certified reference to AVS must provide all application information required under §§778.11, 778.12, 778.13, and 778.14. The information collected from applicants under §778.9 ensures compliance with the statutory requirements for application information under sections 507 and 510 of the Act.
2. The respondents in §778.9 are industry applicants for new permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The regulatory authority review of the information provided by applicants under §778.9 occurs under §773.12. Section 778.9 allows applicants to reduce the time spent in completing an application by incorporating, by reference, information in AVS that is already known to the regulatory authority. Seventy-five percent of applicants will be able to certify that the relevant information in AVS is accurate and complete. Twenty percent of applicants will be able to certify that part of the information in AVS is accurate and complete but part of the information in AVS is missing or incorrect. Five percent of applicants will be unable to use the certification benefit in §778.9 and must provide complete application information under §§778.11, 778.12, 778.13, 778.14. In addition, §778.9 requires an applicant to swear or affirm, under oath and in writing, that the information provided in an application is accurate and complete. Finally, and before an application is approved, an applicant is required to update, correct, or indicate no change has occurred in the information provided in an application by way of §§778.9(a) or (b) or provided under §§778.11 through 778.14.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.

10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

The total annual number of applicants is estimated to be 162. This estimate is based upon data collected for the 2015 evaluation year. The following table shows the estimated burden hours for respondents (Federal and State applicants) under §778.9. Data in the table is discussed below. Some calculations have been rounded.

Section	Applicant Responses	Hours per Response	Total Hours
778.9(a)(1), 100 percent certification by reference to AVS.	122	2.5	305
778.9(a)(2), partial certification by reference to AVS.	32	2.5	80
778.9(b), written affirmation that the application is accurate and complete.	162	.5	81
778.9(d), update or correct application information before an application for a permit is approved.	162	1	162
TOTALS	0		0

We estimate 75% of all 162 industry responses, or 122 Federal and State applications, will be able to certify under §778.9(a)(1) that the relevant information already in AVS concerning the applicant is accurate and complete. This review and certification is estimated to require 2.5 hours per respondent.

We estimate 20% of all 162 industry responses, or 32 Federal and State applicants, will be able to review and certify under §778.9(a)(2) that part of the relevant information in AVS concerning the applicant is correct, but that part of the information is missing or incorrect. We estimate that partial certification of the information already in AVS which is accurate and complete will require 2.5 hours per respondent.

The remaining 5%, or 8 industry responses, are unable to benefit from the certification provisions in §778.9 because there is no information in AVS for them at the time of application, must comply with all information collection requirements

under §§778.11, 778.12, 778.13, and 778.14. The estimated information collection burden for applicants for whom there is no information in AVS at the time of application is separately addressed in §§778.11, 778.12, 778.13, and 778.14.

All of the estimated 162 industry applications are required to include a written sworn statement, under §778.9(b), that all information provided in an application is accurate and complete. We estimate the burden hours to comply with §778.9(b) will be .5 hour.

All of the estimated 162 industry applications will require, under §778.9(d), an update, correction, or will indicate that no change has occurred to the information previously submitted in the application under §§778.9(a) or (b) and §§778.11 through 778.14 before an application is approved. We estimate the burden hours to comply with §778.9(d) is 1 hour.

Therefore, the burden to all applicants is 628 hours.

There is no information collection burden for State governments under §778.9.

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	78.5	28.59	40.03	3,142
Mining Engineer	471	41.46	58.04	27,337
Operations Manager	78.5	59.33	83.06	6,520
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.9 is \$36,999. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

There is no wage burden for State regulatory authorities for this provision.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.9 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.9 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 AVS technician, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.9 will be \$2,314 (40 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs. There is no information collection burden or costs to OSMRE where it is the regulatory authority under §778.9.

Therefore, the cost to the Federal government is estimated to be \$2,314 (\$2,314 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.9 by 523 hours due to a decrease in the number of respondents. This decrease is offset by a slight increase in the certification time for respondents from 2 hours to 2.5 hours.

1,151 hours currently approved  
- 523 hours due to adjustments  
628 hours requested

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

## Section 778.11 – Providing Applicant and Operator Information

### *Justification*

1. Section 778.11 requires an applicant to disclose specific legal business and affiliation information concerning itself and its operator in an application for a surface coal mining permit, if an operator is known at the time of application. Applicants who are unable to use the benefit of disclosing specific information by certified reference to AVS must disclose all information concerning itself and its operator under §§778.11, 778.12, 778.13, and 778.14. Under the current regulations, an applicant provides information for itself and its operator concerning: the legal identity and business form of the applicant, the resident agent; the person responsible for reporting and paying reclamation fees; officers; directors; persons performing a function similar to a director; their association to the applicant or operator and the date the person began functioning in the position; the location of each in the business organizational structure, persons who own 10 per cent or more of the applicant or operator, and the identity of persons who meet the regulatory definitions of control or controller and own, owner, or ownership with respect to the applicant and the proposed mining operation (as defined in 30 CFR 701.5). The required information also includes the certified oath by the natural person with the greatest level of effective control over the entire proposed surface coal mining operation.
2. The respondents in §778.11 are industry applicants for new surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The regulatory authority review of the information provided under §778.11 occurs under §773.12. Applicants are able to reduce the time spent in completing an application by incorporating information that is already known to the regulatory authority by certified reference to AVS under §778.9. Section 778.11 requires applicants that provide only partial information by certified reference to AVS under §778.9 must provide the missing or inaccurate information under §778.11. The information collected at §778.11 is used by the regulatory authority with jurisdiction over the mining application or permit in determining the identity of the applicant or permittee for the purposes of eligibility decision making.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.

9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Section 778.11 applies to all industry respondents. However, the information collection burden for respondents depends on whether an applicant is able to benefit from certified reference to AVS under §778.9. We estimate the total annual number of industry respondents will be 162 (Federal and State applicants). This estimate is based upon data collected for the 2015 evaluation year.

The following table shows the burden hour estimates for all industry respondents required for §778.11. Some calculations have been rounded.

Section	Applicant Responses	Hours Per Response	Total Hours
778.11, as amended (a) through (d); partial information.	32	12	384
778.11, as amended (a) through (d); complete information.	8	16	128
TOTALS	0		0

We estimate 20%, or 32 of the 162 total applications must provide partial (missing or inaccurate) information under §778.11, paragraphs (a) through (d), if information is missing from or is inaccurate in AVS. We estimate it will require 12 hours for each applicant to provide the missing or incorrect information. Therefore, the estimated burden for these applicants is 384 hours (32 responses x 12 hours per response).

We estimate that 5%, or 8 of the total 162 applications must provide complete information under §778.11, paragraphs (a) through (d) because there is no information in AVS for them at the time of their application for a permit. We estimate it will require 16 hours for each of the applicants to provide all of the required information under §778.11. Therefore, the estimated burden for these applicants is 128 hours (8 responses x 16 hours per response).

Therefore, the total burden to industry respondents to comply with §778.11 is 512 hours (384 hours for partial information + 128 hours for complete information).

There is no information collection burden for State governments under §778.11.

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	64	28.59	40.03	2,561
Mining Engineer	384	41.46	58.04	22,287
Operations Manager	64	59.33	83.06	5,316
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.11 is \$30,164. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

There is no information collection burden for State governments under §778.11.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.11 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.11 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 AVS technician, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.11 will be \$2,314

(40 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs. There is no information collection burden or costs to OSMRE where it is the regulatory authority under §778.11.

Therefore, the cost to the Federal government is estimated to be \$2,314 (\$2,314 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.11 by 560 hours due to a decrease in the number of respondents.

1,072 hours currently approved  
- 560 hours due to an adjustment  
512 hours requested

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

## Section 778.12 – Providing Permit History Information

### *Justification*

1. Section 778.12 requires applicants for surface coal mining permits to disclose the permit history of the applicant and persons affiliated with the applicant. The required information includes the names under which the applicant, its partners or principal shareholders and its operator, the operator's partners or principal shareholders, have operated a surface coal mining operation in the United States in the five-year period preceding the date an application is submitted to a regulatory authority. It also includes disclosure of the identity, permit, jurisdiction, MSHA identification number, and relationship to the operation for any surface coal mining operation conducted in the five-year period preceding the date an application is submitted to a regulatory authority. The legal authority for requiring permit history information from applicants is found in sections 507(b)(1), (b)(3), and (b)(4) of SMCRA.
2. The respondents under §778.12 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The regulatory authority review of the information provided under §778.12 occurs under §773.12. Applicants are able to reduce the time spent in completing an application by incorporating information already known to the regulatory authority by certified reference to AVS under §778.9. Section 778.12 requires applicants that provide only partial information by certified reference to AVS in §778.9 to provide the missing or inaccurate information under §778.12. It further requires that applicants unable to benefit from the certification by reference to AVS provisions in §778.9 must provide all required information under §778.12.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Section 778.12 applies to all industry respondents. However, the information collection burden for respondents depends on whether an applicant is able to benefit from certified reference to AVS under §778.9. We estimate the total annual number of industry respondents will be 162 (Federal and State applications).

The following table shows the burden hour estimates for all industry responses required under §778.12. Data in the table is discussed below. Some calculations have been rounded.

Section	Applicant Responses	Hours Per Response	Total Hours
778.12 (partial information)	32	7	224
778.12 (complete information)	8	8	64
TOTALS	0		0

We estimate 20%, or 32, of the estimated 162 total applicants must provide partial information under §778.12. We estimate it will require 7 hours for each applicant to provide the missing or inaccurate information. Therefore, we estimate the burden for these applicants will be 224 hours (32 applications x 7 hours per response).

We estimate that 5%, or 8 of the total 162 applications must provide complete information under §778.12. We estimate it will require 8 hours for each of the applicants to provide complete information. Therefore, we estimate the burden for these applicants will be 64 (8 applications x 8 hours per response).

Therefore, we estimate the total burden to the 40 industry responses to comply with §778.12 will be 288 hours (224 hours for partial information + 64 hours for complete information).

There is no information collection burden for State governments under §778.12.

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

**Industry Wage Cost**

Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	48	28.59	40.03	1,921
Mining Engineer	193	41.46	58.04	11,202
Operations Manager	47	59.33	83.06	3,904
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.12 is \$17,027. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

There is no information collection burden for State governments under §778.12.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.12 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.12 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 AVS technician, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.12 will be \$2,314 (40 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs. There is no information collection burden or costs to OSMRE where it is the regulatory authority under §778.12.

Therefore, the cost to the Federal government is estimated to be \$2,314 (\$2,314 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.12 by 232 hours due to a decrease in respondents and a slight increase in respondent burden.

520 hours currently approved  
- 232 hours due to adjustments  
288 hours requested

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

## Section 778.13 – Providing Property Interest Information

### *Justification*

1. Section 778.13 requires disclosure of property interest information by applicants for permits. The information required from applicants in this section includes the names and addresses of the surface and mineral owners, any leaseholders, the names and addresses of owners of the property contiguous to the area proposed to be mined, a statement from the applicants concerning all interests, options, or pending bids held or made on lands contiguous to the area proposed to be mined, and the MSHA identification numbers for all structures that require MSHA approval. Applicants may use the benefit of certified reference to AVS under §778.9 to provide complete or partial information under §778.13. The legal authority for requiring property interest information from applicants is found in sections 507(b)(1), (b)(2), and (b)(3) of SMCRA.
2. The respondents in §778.13 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The regulatory authority review of the information an applicant provides under §778.13 occurs in §773.12. Under §778.13, applicants are able to reduce the time spent in completing an application by incorporating information already known to a regulatory authority by certified reference to AVS under §778.9. Section 778.13 requires that applicants able to certify that part of the information in AVS is accurate and complete but part of the information is missing or inaccurate, must provide the missing or inaccurate information under §778.13. It further requires that applicants unable to use the certification by reference to AVS benefit in §778.9 must provide complete application information under §778.13.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.

12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

Section 778.13 applies to all industry respondents. However, the information collection burden for respondents depends on whether an applicant is able to benefit from certified reference to AVS under §778.9. We estimate the total annual number of industry respondents will be 162 (Federal and State applications). This estimate is based upon data collected for the 2015 evaluation year.

The following table shows the burden hour estimates for all industry responses required under §778.13. Data in the table is discussed below. Some calculations have been rounded.

Section	Applicant Responses	Hours Per Response	Total Hours
778.13 (partial information)	32	4	128
778.13 (complete information)	8	5	40
TOTALS	40		0

We estimate 20%, or 32 of the estimated 162 total applications must provide partial information under §778.13. We estimate that it will require 4 hours for each applicant to provide the missing or inaccurate information. Therefore, the estimated burden for these applicants is 128 (32 applications x 4 hours per response).

We estimate that 5%, or 8 of the total 162 applications must provide complete information under §778.13. We estimate it will require 5 hours for each applicant to provide the complete information. Therefore, the estimated burden for these applicants is 40 hours (8 applications x 5 hours per response).

Therefore, the total burden for the 40 industry responses to comply with §778.13 is 168 (128 hours for partial information + 40 hours for complete information).

There is no information collection burden for State governments under §778.13.

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

**Industry Wage Cost**

Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	28	28.59	40.03	1,121
Mining Engineer	112	41.46	58.04	6,500
Operations Manager	28	59.33	83.06	2,326
Total	168			0

Therefore, the estimated total annual cost for industry respondents for §778.13 is \$9,947. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

There is no information collection burden for State governments under §778.13.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.13 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.13 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 AVS technician, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.13 will be \$2,314 (40 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs. There is no information collection burden or costs to OSMRE where it is the regulatory authority under §778.13.

Therefore, the cost to the Federal government is estimated to be \$2,314 (\$2,314 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.13 by 100 hours due to a decrease in respondents and a slight increase in respondent burden.

$$\begin{array}{r} 268 \text{ hours currently approved} \\ - \underline{100 \text{ hours due to adjustments}} \\ 168 \text{ hours requested} \end{array}$$

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

## Section 778.14 – Providing Violation Information

### *Justification*

1. Section 778.14 requires disclosure of violation information by applicants for permits. Applicants are required to provide a statement whether it, its operator, or any subsidiary, affiliate, or entity own or control or under common control by the applicant or operator has or had suspended or revoked permits or bond forfeitures during the 5-year period preceding the date of application. In addition, an applicant is required to provide a list of all violation notices cited to the applicant or its operator during the 3-year period preceding the date of the application. Violations cited in violation notices include, but are not limited to, notices of violation, cessation orders, and final orders, bills, or demand letters. Applicants may use the benefit of certified reference to AVS under §778.9 to provide complete or partial information required under §778.14. The legal authority for violation information is found in sections 507(b)(5) and 510(c) of SMCRA.
2. The respondents under §778.14 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions. The regulatory authority review of the information disclosed in an application for §778.14 occurs under §773.12. Under §778.14, applicants are able to reduce the time spent in completing an application by incorporating information already known to the regulatory authority by certified reference to AVS under §778.9. Section 778.14 requires that applicants, for which part of the information in AVS is accurate and complete but part of the information is missing or inaccurate, must provide the missing or inaccurate information under §778.14. It further requires that applicants unable to use the certification by reference to AVS benefit in §778.9 and must provide complete violation information under §778.14.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.

- 11. See Identical Responses to Statements.
- 12. Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

Section 778.14 applies to all industry respondents. However, the information collection burden for respondents depends on whether an applicant is able to benefit from certified reference to AVS under §778.9. We estimate the total annual number of industry respondents will be 162 (Federal and State applications).

The following table shows the burden hour estimates for all industry responses required under §778.14. Data in the table is discussed below. Some calculations have been rounded.

Section	Applicant Responses	Hours Per Response	Total Hours
778.14 (partial information)	32	4	128
778.14 (complete information)	8	8	64
TOTALS	40		192

We estimate 20%, or 32, of the 162 total applications must provide partial information under §778.14. We estimate it will require 4 hours for each of the 32 applicants to provide the missing or inaccurate information. Therefore, the estimated burden for these applicants is 128 hours (32 applications x 4 hours per response).

We estimate that 5%, or 8 of the total 162 applications must provide complete violation information under §778.14. We estimate it will require 8 hours for each of the 8 applicants to supply the complete information. Therefore, the estimated burden for these applicants is 64 hours (8 applications x 8 hours per response).

Therefore, the total burden to the 40 industry respondents to comply with §778.14 is 192 hours (128 hours for partial information + 64 hours for complete information).

There is no information collection burden for State governments under §778.14.

- b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost

Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	19	28.59	40.03	761
Mining Engineer	154	41.46	58.04	8,938
Operations Manager	19	59.33	83.06	1,578
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.14 is \$11,277. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

There is no information collection burden for State governments under §778.14.

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.14 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.14 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 40 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 AVS technician, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.14 will be \$2,314 (40 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs. There is no information collection burden or costs to OSMRE where it is the regulatory authority under §778.14.

Therefore, the cost to the Federal government is estimated to be \$2,314 (\$2,314 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.14 by 208 hours due to a decrease in respondents.

$$\begin{array}{r} 400 \text{ hours currently approved} \\ - \underline{208 \text{ hours due to an adjustment}} \\ 192 \text{ hours requested} \end{array}$$

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

## Section 778.15 – Right-of-Entry Information

### *Justification*

1. Section 778.15 requires an applicant to disclose right-of-entry information in an application. An applicant is required to provide a written description of the documents upon which the applicant bases its legal right to enter and begin surface coal mining and reclamation operation in the permit area. Applicants are also required to provide a statement as to whether right-of-entry to the proposed permit area is the subject of pending litigation. The legal authority for right-of-entry information is found in section 507(b)(9) of SMCRA.
2. The respondents in §778.15 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions, and State regulatory authorities. Applicants must provide right-of-entry information in an application for a permit. State regulatory authorities are required to review the right-of-entry information for compliance with application requirements.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

Each of the total 162 annual industry Federal and State applications will be required to disclose right-of-entry information in an application. The estimated number of responses is based upon data collected for the 2015 evaluation year.

We estimate that providing right-of-entry information will require 5 hours per industry response. Therefore, the total burden for industry respondents under §778.15 is estimated to be 810 hours (162 responses x 5 hours per response).

We estimate the State regulatory authorities will require an average of 3 hours to review an applicant’s right-of-entry information under §778.15. We estimate 160 of the total 162 applications will be State applications and 2 will be in Federal program states where OSMRE is the regulatory authority. Therefore, the total burden for State governments is estimated to be 480 hours (160 reviews x 3 hours per review).

Therefore, the burden hours for all respondents under §778.15 is estimated to be 1,290 hours (810 hours for industry + 480 hours for State regulatory authority review).

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	162	28.59	40.03	6,485
Mining Engineer	567	41.46	58.04	32,909
Operations Manager	81	59.33	83.06	6,728
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.15 is \$46,122. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

In addition, based on discussions with those identified in item 8, it will take the State regulatory authorities 3 hours to review each of the 160 applications with this information. An environmental scientist with the State regulatory authorities earns \$29.07 per hour, or \$43.61 including benefits. We estimate State regulatory authorities will require 3 hours to review an application’s right-of-entry. The estimated annual cost to State regulatory authorities is estimated to be \$20,933 (160 applications x 3 hours per review x \$43.61 per hour).

Therefore, the total cost to all respondents under §774.15 is estimated to be \$67,055 (\$46,122 for applicants + \$20,933 for State regulatory authority review).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.15 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.15 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 8 hours. This estimate is unchanged from our previous request. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 reclamation specialist, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.15 will be \$463 (8 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs: We estimate where OSMRE is the regulatory authority, 3 hours will be required to review the estimated 2 Federal applications for right-of-entry information in an application. Therefore, for Federal programs, we estimate the cost to be \$347 (2 applications x 3 hours per review x \$57.84 per hour).

Therefore, the total cost to the Federal government under §778.15 is estimated to be \$810 (\$463 for oversight + \$347 for Federal programs).

15. This information collection request decreases the approved burden for §778.15 by 1,408 hours due to a decrease in respondents.

2,698 hours currently approved  
- 1,408 hours due to an adjustment  
1,290 hours requested

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

## Section 778.16 – Status of Unsuitability Claims

### *Justification*

1. Section 778.16 requires an applicant to disclose information concerning the status of unsuitability claims in an application. An applicant is required to provide the available information as to whether the proposed permit area is within an area designated as unsuitable for surface coal mining and reclamation operations or is within an area under study for such a designation. The legal authority for information concerning the status of unsuitability claims is found in sections 522(e) (in general), (e)(4), and (e)(5) of SMCRA.
2. The respondents under §778.16 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions, and State regulatory authorities. Applicants must provide all available information concerning the status of unsuitability claims in an application. State regulatory authorities are required to review the information concerning the status of unsuitability claims for compliance with application requirements.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

We estimate 162 respondents (Federal and State applicants) will submit applications for permits per year. This estimate is based upon data collected for the 2015 evaluation year.

Of the 162 applications, we estimate that 105 applications will require status of unsuitability claims information under §778.16. We estimate the 105 applications will require 6 hours each to provide the information on the status of unsuitability claims. Therefore, we estimate the burden hours for industry respondents will be 630 hours (105 applications x 6 hours per response).

We estimate that State regulatory authorities will receive 104 applications and that OSMRE will receive 1 application with this information. The State regulatory authorities will require 1 hour to review the 104 State applications they receive concerning the status of unsuitability claims. Therefore, we estimate the burden for State governments under §778.16 will be 104 hours (104 applications x 1 hour per review).

Therefore, we estimate the total burden hours for all respondents under §778.16 will be 734 hours (630 hours for industry respondents + 104 hours for State respondents).

**b. Estimated Wage Cost to Respondents**

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	79	28.59	40.03	3,162
Mining Engineer	525	41.46	58.04	30,471
Operations Manager	26	59.33	83.06	2,160
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.16 is \$35,793. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

In addition, based on discussions with those identified in item 8, it will take the State regulatory authorities 1 hour to review each of the 104 applications with this information. An environmental scientist with the State regulatory authorities earns \$29.07 per hour, or \$43.61 including benefits. We estimate the annual cost to State regulatory authorities to be \$4,535 (104 applications x 1 hour per review x \$43.61 per hour).

Therefore, the total cost to all respondents under §774.16 is estimated to be \$40,328 (\$35,793 for applicants + \$4,535 for State regulatory authority review).

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

a. Annual Capital and Start-up Costs

The information collection requirements of §778.16 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.16 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 4 hours. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 reclamation specialist, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.16 will be \$231 (4 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs: We estimate where OSMRE is the regulatory authority, 1 hour will be required to review the right-of-entry information in 1 Federal application we receive. Therefore, for Federal programs, we estimate the cost to be \$58 (1 application x 1 hour per review x \$57.84 per hour).

Therefore, the total cost to the Federal government under §778.16 is estimated to be \$289 (\$231 for oversight + \$58 for Federal programs).

15. This information collection request decreases the approved burden for §778.16 by 805 hours due to a decrease in the number of respondents.

1,539 hours currently approved  
- 805 hours due to an adjustment  
734 hours requested

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

## Section 778.17 – Permit Term

### *Justification*

1. Section 778.17 requires an applicant to provide information concerning the term of a permit, and the anticipated or actual starting and ending date of each phase of the surface coal mining and reclamation operation. If the applicant anticipates the initial permit term to be longer than 5 years in order to obtain the necessary financing of the operation, then the applicant is also required to provide in an application a complete and accurate statement concerning the longer permit term and a written statement from the applicant's proposed source of financing. The legal authority for information concerning the permit term is found in sections 506(b) and 507(b)(8) of SMCRA.
2. The respondents under §778.17 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions, and State regulatory authorities. Applicants are required to include permit term information in an application. State regulatory authorities are required to review the information for compliance with application requirements.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden
  - a. Burden Hour Estimates for Respondents

We estimate 162 industry respondents (Federal and State applicants) annually will submit applications for permits. This estimate is based upon data collected for the

2015 evaluation year. Information concerning the term of the proposed permit is required from every applicant for a permit.

We estimate industry respondents will require 2 hours per application to provide permit term information. Therefore, we estimate the burden hours for industry respondents will be 324 hours (162 applications x 2 hours per response).

We estimate the State regulatory authorities will require 1 hour to review information concerning the permit term in each application. We estimate 160 of the total 162 applications will be for State permits, and 2 in Federal program states. Therefore, we estimate the burden for State governments under §778.17 will be 160 hours (160 applications x 1 hour per review).

Therefore, we estimate the total burden hours for all respondents under §778.17 will be 484 hours (324 hours for industry respondents + 160 hours for State governments).

**b. Estimated Wage Cost to Respondents**

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	81	28.59	40.03	3,242
Mining Engineer	203	41.46	58.04	11,782
Operations Manager	40	59.33	83.06	3,322
Total	0			0

Therefore, the estimated total annual cost for industry respondents for §778.17 is \$18,346. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

In addition, based on discussions with those identified in item 8, it will take the State regulatory authorities 1 hour to review each of the 160 applications with this information. An environmental scientist with the State regulatory authorities earns \$29.07 per hour, or \$43.61 including benefits. We estimate the annual cost to State regulatory authorities to be \$6,978 (160 applications x 1 hour per review x \$43.61 per hour).

Therefore, the total cost to all respondents under §774.16 is estimated to be \$25,324 (\$18,346 for applicants + \$6,978 for State regulatory authority review).

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

a. Annual Capital and Start-up Costs

The information collection requirements of §778.17 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight. In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.17 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 8 hours. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 reclamation specialist, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.17 will be \$463 (8 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs: We estimate where OSMRE is the regulatory authority, 1 hour will be required to review the right-of-entry information in 2 Federal applications we receive. Therefore, for Federal programs, we estimate the cost to be \$116 (2 applications x 1 hour per review x \$57.84 per hour).

Therefore, the total cost to the Federal government under §778.17 is estimated to be \$579 (\$463 for oversight + \$116 for Federal programs).

15. This information collection request decreases the approved burden for §778.17 by 528 hours due to a decrease in the number of respondents.

1,012 hours currently approved  
- 528 hours due to an adjustment  
484 hours requested

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

## Section 778.22 – Facilities or Structures Used in Common

### *Justification*

1. Section 778.22 concerns how the plans of a facility or structure that will be shared by two or more separately permitted mining operations may be documented in an application. Such plans may be documented in one application and referenced in the other applications. Each permittee is required to bond the facility or structure unless other agreements have been made. Any such agreement must demonstrate to the satisfaction of the regulatory authority that all responsibilities for the facility or structure will be met. If such agreement has been made, a copy of the agreement between or among the parties must be provided in each affected application. The legal authority for information concerning facilities or structures used in common is found in sections 507(b) and 509(a) of SMCRA.
2. The respondents under §778.22 are industry applicants for surface coal mining permits, as well as for permit revisions that add acreage to the permit area but are not incidental boundary revisions and State regulatory authorities. Applicants must provide either an original or copy of any agreement documenting facilities or structures proposed to be used in common with other, separately permitted, surface coal mining operations. State regulatory authorities are required to review the documentation for facilities or structures proposed to be used in common for compliance with application requirements.
3. See Identical Responses to Statements.
4. See Identical Responses to Statements.
5. See Identical Responses to Statements.
6. See Identical Responses to Statements.
7. See Identical Responses to Statements.
8. See Identical Responses to Statements.
9. See Identical Responses to Statements.
10. See Identical Responses to Statements.
11. See Identical Responses to Statements.
12. Estimated Information Collection Burden

a. Burden Hour Estimates for Respondents

We estimate 162 industry respondents (State and Federal applicants) will submit applications for permits per year. This estimate is based upon data collected for the 2015 evaluation year.

We estimate 15%, or 24 (rounded) applications will require statements or agreements concerning facilities or structures used in common with other mining operations. We estimate applicants will require 8 hours per application to provide shared facilities information. The estimates for the number applicants and the time required are unchanged from our previous request for information collection approval. Therefore, we estimate industry respondents will require 192 hours (24 applications x 8 hours per response) for responses under §778.22.

We estimate State regulatory authorities will require 1 hour to review the required information concerning facilities and structures used in common in each application. We estimate there will be 24 State applications per year for which State review is required, and none in Federal program states. Therefore, we estimate the burden for State governments under §778.22 will be 24 hours (24 applications x 1 hour per review).

Therefore, we estimate the total burden hours for all respondents under §778.22 will be 216 hours (192 hours for industry respondents + 24 hours for State government review).

b. Estimated Wage Cost to Respondents

Based on discussions with those identified in item 8 and OSMRE experience with this information, we estimate the following wage costs required to complete the collection for this section:

Industry Wage Cost				
Position	Total Hours for all Respondents	Cost Per Hour (\$)	Cost per Hour w/ benefits of 1.4 (\$)	Total Wage Burden (\$) (Rounded)
Administrative Support	12	28.59	40.03	480
Mining Engineer	126	41.46	58.04	7,313
Operations Manager	54	59.33	83.06	4,485
Total	192			0

Therefore, the estimated total annual cost for industry respondents for §778.22 is \$12,278. (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

In addition, based on discussions with those identified in item 8, it will take the State regulatory authorities 1 hour to review each of the 24 applications with this

information. An environmental scientist with the State regulatory authorities earns \$29.07 per hour, or \$43.61 including benefits. We estimate the annual cost to State regulatory authorities to be \$1,047 (24 applications x 1 hour per review x \$43.61 per hour).

Therefore, the total cost to all respondents under §774.22 is estimated to be \$13,325 (\$12,278 for applicants + \$1,047 for State regulatory authority review).

13. Total Annual Non-Wage Cost Burden to Respondents

a. Annual Capital and Start-up Costs

The information collection requirements of §778.22 do not involve any capital or start-up costs apart from expenditures associated with customary business practices.

b. Operation and Maintenance Costs

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

14. Estimate of Cost to the Federal Government

Oversight: In keeping with the current guidance concerning oversight of State program implementation, OSMRE does not anticipate significant oversight review of State compliance with §778.22 in the absence of indication of problems. OSMRE estimates it will conduct an oversight review of this section in one State per year. OSMRE estimates the oversight review will require 2 hours. The annual hourly salary used to estimate the wage cost to the Federal government is \$38.56 per hour for a GS 12 step 5 reclamation specialist, or \$57.84 per hour when including benefits. Therefore, OSMRE estimates the cost to the Federal government for oversight of §778.22 will be \$116 (2 hours x \$57.84 per hour). (See Identical Responses to Statements on page 13 for further discussion of wages and benefits).

Federal Programs: OSMRE does not anticipate receiving any permit applications which contain common structures in Federal program states.

Therefore, the total cost to the Federal government under §778.22 is estimated to be \$116 (\$116 for oversight + \$0 for Federal programs).

15. This information collection request decreases the approved burden for §778.22 by 243 hours due to a decrease in the number of respondents.

459 hours currently approved  
- 243 hours due to an adjustment  
216 hours requested

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