

FEDERAL REGISTER: 44 FR 18552 (March 28, 1979)

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)

General Accounting Office Regulatory Reports Review; Notice of Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 21, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before April 16, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532. [Page 18553]

**DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING**

The Office of Surface Mining, Department of the Interior, requests clearance of new recordkeeping and reporting requirements contained in 30 CFR Parts 700, 707, 730, 731, 732, 733, 741, 742, 743, 745, 761, 764, 769, 771, 776, 778, 779, 780, 782, 783, 784, 785, 786, 788, 800, 805, 806, 807, 808, 816, 817, 822, 826, 840, 842, 843, and 845. The Office of Surface Mining has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 33 U.S.C. 1201 et seq., and must be collected, submitted or retained. On March 13, 1979, the OSM published these requirements, subject only to review by GAO to assure that a minimum burden is imposed in the manner in which such information is proposed to be obtained. The requirements contained in each part are as follows:

30 CFR PART 700

Section 700.12(b) provides any person, State, or local government an opportunity to file a petition to initiate rulemaking proceedings. OSM estimates 10 petitions will be filed each year and preparation of each petition will take one person hour, or ten person hours annually. Section 700.13 requires any person who intends to initiate a civil action in his own behalf shall give notice of intent to do so to the Secretary, the Director and the State regulatory authority 60 days prior to filing suit. OSM assumes 10 notices of intent will be sent per year, estimating 2 hours per notice, for a total of 20 hours annually.

30 CFR PART 707

Section 707.12 requires any person extracting coal incident to government financed highways or other construction to make available for inspection documents which show a description of the construction project. OSM estimates compliance burden to be 1 hour per operator with a total of 50-100 hours per year for 50-100 operators.

30 CFR PART 730

Section 730.12(b) requires States to notify the Director of the issuance of any injunction which prevents or prohibits the State from implementing a State program. Notification will be triggered by the issuance of an injunction. OSM assumes that 5 States will receive such an injunction and that their compliance burden will be 1 hour per state for a total of 5 hours per year.

30 CFR PART 731

Section 731.12(a) requires each State, in which there are or may be surface coal mining operations on nonfederal lands, to submit for OSM's approval a proposed program that demonstrates "capability" to assume exclusive jurisdiction over the regulation of such operations. None of these requirements is annual: OSM expects that States will only be subject to these

requirements once Because it is difficult to estimate the compliance burden for each section of Part 731, we have calculated the total estimated person hours for the development and submission of a State program and included it here. Therefore, the estimated compliance burdens for Secs. 731.12, 731.13, and 731.14 are combined in the person hours below. OSM estimates that a State would incur from 1 to 5 person years, or 2,080 to 10,400 person hours, to develop and submit a proposed program. The variability to the estimate is due to the State's variation in the size and number of mine operations and the respective levels of sophistication of the regulatory agencies which are peculiar to each state. Assuming 27 states submit a proposed program, it would total 56,160 to 280,800 hours. Section 731.13 permits States to request variations from the regulations of Part 731 in order to develop regulatory programs to fit the specific circumstances of each State. Section 731.14 enumerates the special types of information required to be included in a program submission.

30 CFR PART 732

Section 732.11(d) requires that, when missing parts of proposed State Programs are identified, the States must make appropriate additions and modifications for resubmission to the Regional Director. OSM estimates that 24 States will be required to make such resubmissions and they will need 360 hours per submission, for a total of 8,640 hours. Section 732.13(f) provides for resubmission of State programs within 60 days of official disapproval by the Secretary of a State's submission. OSM estimates that 8 States can be expected to re-submit portions of their State programs. OSM estimates 500 hours per resubmission, for a total 4,000 hours. Section 732.14 provides for resubmission of a new State program. OSM estimates no more than 5 revised State programs will finally be disapproved and a new state program will have to be submitted. OSM estimates that a State will incur from 1 to 5 person years or 2,080 to 10,400 person hours to re-develop and resubmit a State program, for a total of 10,400 to 52,000 hours. OSM expects that these state changes and resubmissions will be required only once. Section 732.16 requires the Director to establish terms and conditions for a State program including reporting of information to the Office and providing the Office with books and records upon request. OSM estimates that 27 States will have to supply this information on a monthly basis and will need from 12 days to ½ year per State per year, for a total of 96 hours to 8,320 hours annually. Sections 732.17(b), (f) and (g) require States operating under an approved program to notify the Director in writing, of any significant events which affect the operation of a State program. As many as 10 States per year can be expected to provide notification and/or approval and will subsequently submit an amendment. OSM estimates 40 hours per State, for a total of 400 hours per year.

30 CFR PART 733

Section 733.12(a)(2) provides that any interested person may request the Director to evaluate a State program. The Director is responsible for investigating any allegations and determining within 60 days if an evaluation will be made and mail a written decision to the requester. OSM estimates 10 such requests per year and approximately 40 hours per request for a total of 400 person hours per year.

30 CFR PART 741

Section 741.11(a)(1) requires the regulatory authority to establish, in writing, a time schedule within which all surface mining operations on Federal lands, including those operating under existing approved mine plans, will comply with the permanent regulatory program performance standards. OSM estimates approximately 5 state regulatory authorities will prepare approximately 25 time-schedules. Each schedule will require an estimated 20 person hours. OSM estimates a total of 450 person hours per year to comply with this provision.

Sections 741.11(c)(1), 741.12(c) and 741.13(c) provide for the filing of a complete permit application before surface mining operations can be conducted on Federal lands. Section 741.11(c)(1) establishes the time limits for operators to file a complete application; Sec. 741.12(c) specifies that the mining plan, which is part of the permit application, shall be filed with the Regional Director; and Sec. 741.13(c) specifies the required contents of the application. OSM estimates that 144 permit applications will be filed the first year. A total of 720,000 person hours will be required the first year to complete the requirements under these provisions; thereafter, a total of 240,000 hours is estimated for the second year and 75,000 hours for the third year.[Page 18554]

Section 741.15(a)(1) provides that all permits will be issued for a period of five years provided that if the applicant demonstrates that a longer term is reasonably needed to obtain financing for the operation, the regulatory authority may grant a permit for a longer term. The Office believes it is necessary for the creditor to verify such terms in writing. OSM estimates a range of 5 to 10 operations will seek longer permit terms. The Office estimates that 1 person hour will be needed to prepare credit verification for a total of 5 to 10 person hours per year.

Section 741.15(b)(1) requires automatic termination of the permit if the operator has not commenced operations within the three years, unless otherwise exempted by the regulatory authority. OSM estimates a range of two-three requests for

exemptions per year. The Office estimates that one hour per request will be required for a total of two-three person hours per year.

Section 741.21(b) requires any operation of Federal lands to provide proof that any violations of other State or Federal laws or regulations have been, or are being, corrected or that the operator has a valid existing appeal prior to issuance of a permit. OSM estimates that 4-5 operations on Federal lands will have to supply this proof. The Office estimates that 1 hour per "proof showing" will be required for a total 4-5 person hours per year.

Section 741.23(c) requires operators to apply for permit revisions whenever they depart from the method of mining or reclamation approved in their original permit. OSM estimates 10 such permit revision applications and 100 person hours per revision, for a total of 1,100 person hours per year.

Section 741.24(b) requires the regulatory authority to give written approval of any transfer, assignment, or sale of the rights granted under the permit. OSM estimates five requests for approval per year on Federal lands at 5 hours per written approval for a total of 5 person hours per year.

30 CFR PART 742

Section 741.11(a) provides for the release of liability for that portion of a Federal lease bond, required by 43 CFR 3504. After the effective date of surface mining regulations, leases issued under 43 CFR 3500 will not require performance bonding for reclamation. OSM estimates 100 requests for release of duplicate bonding requirements consisting of 1 hour per request and a total of 100 person hours per year.

Section 742.13(a) may require approximately 10 operators to secure a Federal lease protection bond, if they are unable to secure written consent of a permittee or lessee to enter and commence surface coal mining operations. OSM estimates ½ hour per application, for a total of 5 hours per year.

Section 742.18(c) provides for the Regional Director to request information from surface owners, to be taken into consideration when determining if a performance bond should be released. Approximately 5-10 surface owners will submit such information consisting of 2 hours per person, for a total of 10-20 hours per year.

Section 742.18(d) requires the surface lessee to provide the authorized officer with consent for release of the Federal lessee protection bond. The information is needed to verify the surface permittee's or lessee's concurrence that the surface coal mine operation has not caused, or has corrected, any damage to crops or tangible improvements on the surface. OSM estimates 10 connects per year and 1 hour per written consent, for a total of 10 hours per year.

30 CFR PART 743

Section 743.11(b) provides that the regulatory authority may have access to and copy any records and inspect any monitoring equipment or method of operations. OSM estimates approximately 4 inspections per year per operation on Federal lands for a total of 576 inspections (144 operations); at the rate of 2 person hours per inspection, the total is 1,152 person hours per year.

30 CFR PART 745

Section 745.11 (a) and (b) establishes procedures and information requirements for submitting applications for State-Federal cooperative agreements. OSM estimates 7 States will submit such agreements, which will require 600 hours per agreement, totaling 4,200 hours per year.

Section 845.15(a) enables the State to terminate its cooperative agreement by written request. OSM estimates 1 State may make such a request, which will take 8 hours. Section 745.16 allows for States to correct deficiencies causing a State-Federal cooperative agreement to be terminated. OSM estimates 1 State request per year which will take 100 hours.

30 CFR PART 761

Section 761.12(b)(2) requires state regulatory authorities, which are unable to determine whether a proposed operation is located within the boundaries of certain Federal land systems, to transmit a copy of the relevant portion of the permit application to the appropriate Federal, State or local government for clarification. OSM estimates 10 such notices at 4 person hours per notice, for a total of 40 person hours. Section 761.12(d) requires a state regulatory authority to require permit applicants to obtain necessary approvals of the authority for public roads within 100 feet of the outside right-of-way. OSM estimates 3 such public road determinations at 50 person hours per determination, for a total of 150 person hours. Section 761.12(e) requires permit applicants within 300 feet of an occupied dwelling to obtain a waiver of the owner of the dwelling. OSM estimates 5 incidents times 5 owners at 1 hour per waiver, for a total of 25 person hours per month.

nationwide. Section 761.12(f) requires regulatory authorities to make an "adverse effect" determination where mining might affect public parks or places included in the National Register of Historic Places. OSM estimates 10 such determinations per month at 20 person hours per determination, for a total of 200 person hours per month and 2,400 person hours annually.

30 CFR PART 764

All sections of Part 764, except Secs. 764.13 (b), (c) and 761.21 and 25(b), are incorporated in the compliance estimates because each section is an interconnected part of the petition process.

Section 764.11 requires each State to establish a process consisting of the requirements of 30 CFR 764.13-764.25.

Section 764.13 (b) and (c) require the petitioner to gather a minimum amount of data in order to compile a petition to have the State regulatory authority designate an area unsuitable for surface coal mining operations or to terminate such a designation. OSM has no way, at this time, of knowing how many petitions will result from this regulation. However, we estimate approximately 10 petitions and that preparation of a complete petition would probably take 20 hours for a total of 200 hours.

Section 764.15(a)(1) requires the regulatory authority to notify the petitioners whether or not the petition is complete.

Section 764.15(a)(2) requires the regulatory authority to determine whether any identified coal resources exist in the area covered by the petition. Section 764.15(a)(4) requires the regulatory authority to return to the petitioners, new petitions for areas which were previously and unsuccessfully proposed for designation unless the new petition presents new allegations of facts. Section 765.15(a)(5) requires the regulatory authority to return to the petitioner incomplete or frivolous petitions with a written statement of the reasons for the determination and the categories of information needed to make the petition complete. Section 765.15(a)(6) requires the regulatory authority to notify the person who submits a petition of any application for a permit received which proposes to include any area covered by a petition. Section 764.15(b)(1) requires the regulatory authority to circulate copies of the petition to and request submissions of relevant information from other interested persons. Section 764.15(b)(2) requires the regulatory authority to notify the general public of the receipt of the petition and request submissions of relevant information by a newspaper advertisement in the area, and in any official register of State notices. Section 764.15(c) provides that, until three days before the regulatory authority holds a hearing, any person may intervene in the proceedings by filing allegations of facts and supporting evidence. Section 764.15(d) requires the regulatory authority to compile and maintain a record (such information must be available to the public) consisting of all documents relating to the petition. [Page 18555]

Section 764.17(a) requires the regulatory authority to hold a public fact-finding hearing in the area covered by the petition unless all the petitioners and interviewers agree that the hearing not be held. Section 764.17(b) requires the regulatory authority to give not less than 30 days' notice of the hearing to local, State and Federal agencies which may have an interest in the decision on the petition, the petitioner and intervenors, and any person with an ownership or other interest. Section 764.17(c) requires the regulatory authority to notify the general public of the hearing by weekly newspaper advertisement in the local area between 4 and 5 weeks before the scheduled date of the public hearing. Section 764.17(e) requires the regulatory authority, prior to designating any land areas unsuitable, to prepare a detailed statement using existing and available information on the potential coal resources of the area, the demand for coal resources, and the impact of a designation on the environment, the economy and the supply of coal.

Section 764.19(b) requires the regulatory authority to issue a final written decision including a statement of reasons, within 60 days of completion of the public hearing or, if no public hearing is held, then within 12 months after receipt of the complete petition. The regulatory authority is required to send the decision by certified mail to the petitioner, every other party to the proceeding, and to the Regional Director for the region in which the State is located.

OSM has no way of knowing the number of petitions that will be generated under these regulations. However, we do estimate that a State regulatory authority will spend 300 hours per petition and that approximately 10 petitions will be generated for a total of 3,000 hours in gathering the information and complying with all the notice and recordkeeping requirements listed above, in addition to Section 764.13 (b) and (c) as described above.

Section 764.21 and 25(b) require each State to develop a data base and inventory system containing all relevant information concerning coal mine operations. OSM estimates that 26 States will develop such a system and that each State will spend, depending on the amount of mining in a State, from 200 to 40,000 hours per year, for a total of 5,200 to 1,040,000 hours a year for all States, in developing, maintaining, and updating the data base and inventory system including maintaining a map of areas designated unsuitable for mining.

30 CFR PART 769

Section 769.11 and 13 provide for citizens to petition to have Federal lands designated unsuitable for mining. This parallels Sec. 764.13 (b) and (c) for the petition process on private lands. OSM has no way, at this time, of knowing how many petitions will be prepared as a result of this regulation, but estimates 20 hours preparation time for each petition to designate Federal lands, and estimates 10 petitions for a total 200 hours.

30 CFR PART 771

Section 771.15(c) provides (1) that the State regulatory authority must issue an order once, requiring the permittee to comply with any additional requirements of an approved State program not contained in the Federal program for the State within 60 days or as determined by regulatory authority; and (2) that the permittee must be notified in writing, by the regulatory authority, of his right to an adjudicatory hearing with respect to such order. OSM estimates 10 State regulatory authorities will issue such orders and notices. total reporting time is estimated by OSM to be 4 hours per order and notice, for a total of 40 hours.

Section 771.21(a)(1) sets forth time tables for filing permit applications with the regulatory authority under an approved State regulatory program. OSM estimates 6,100 surface coal mining and reclamation operations will be subject to this requirement, approximately once every 5 years. Total reporting time is estimated by OSM to be 8 hours per operation for a total of 48,800 hours.

Section 771.21(b)(2) requires all permit applicants to renew their permits at least 120 days before the expiration of the permit involved, if the operator wishes to continue operations. OSM estimates approximately 5490 operators will be subject to this requirement, approximately once every 5 years. The reporting time is estimated to be 4 hours per renewal for a total of 21,960 hours.

Section 771.21(b)(3) establishes procedures for submission of applications for revision for the approximately 1525 coal mining and reclamation operations subject to this requirement. The reporting time is estimated by OSM to be 4 hours per operation or a total of 6,100 hours.

Section 771.23 sets forth the general requirements for the permit application format and content. OSM estimates 6,100 surface coal mining and reclamation operations will have to file applications, approximately once every 5 years. The reporting time is estimated to be 8 hours per operations, for a total of 48,800 hours.

30 CFR PART 776

Section 776.11 requires coal mine operators who intend to undertake coal exploration involving less than 250 tons to file written notice of intention to explore. OSM estimates 250 such notices; ten hours per notice and a total of 2,500 person hours. Section 776.12 requires coal mine operators who intend to undertake coal exploration involving more than 250 tons to obtain prior consent. OSM estimates 2000 operators will file for consent at 40 hours per application, for a total of 80,000 person hours. Section 776.14 requires regulatory authority to provide written approval or disapproval for approximately 10 requests to undertake coal exploration to remove over 250 tons of coal. OSM estimates 1 ½ hours per regulatory authority decision, for a total of 15 person hours annually.

30 CFR PART 778

Sections 778.13-778.21 require approximately 3800 surface mining operations to provide the regulatory authority with all relevant information regarding ownership and control of the property to be affected by the activities, their compliance status and history, and a copy of the advertisement that is to be published in a local newspaper of general circulation. OSM estimates 3800 surface mines will submit such information, at 20 hours per application, for a total of 76,000 person hours. This requirement will have to be met by all surface mines approximately once every 5 years.

30 CFR PART 779

Sections 779.13-17 require approximately 3800 surface mines to present a statement of the geology, hydrology, and water quality and quantity for all lands within and adjacent to the proposed mine plan area. OSM estimates 40 hours per statement and a total of 152,000 person hours. [Page 18556]

Section 779.11-12 require adequate descriptions of the existing pre-mining environmental resources within and around the proposed mine plan area. OSM estimates approximately 3800 surface mines will file at 20 hours per description, for a total of 76,000 person hours.

Section 779.18 requires approximately 3800 surface mines to file a statement of the climatological and air quality factors that are representative of the mine plan area if requested by the regulatory authority. OSM estimates approximately 8 hours per operation, for a total of 30,400 person hours. Section 779.19 requires all surface mines to submit a reclamation plan with data on the capability of the land with particular reference to vegetation cover. Approximately 8 hours each will be required for approximately 1900 plans, for a total of 15,200 person hours. Section 779.20 requires that mining operations will meet applicable performance standards and minimize disturbances and adverse impacts of the operation on fish, wildlife and related environmental values. OSM estimates approximately 40 hours per study with 3800 mines and a total of 152,000 person hours.

Section 779.24 requires approximately 3800 mine operations to submit with their applications maps locating all boundaries, structures, roads, parks, cemeteries, etc. of the affected area. OSM estimates 24 hours per map, for a total of 91,200 person hours.

Section 779.25 requires approximately 3800 mine operations to submit maps and plans and cross sections to enable the regulatory authority to approve the minimum requirements for environmental resources. OSM estimates 40 hours per permit application, for a total of 152,000 hours.

Section 779.27 requires approximately 3800 mine operations to conduct pre-application investigations of the proposed mine area to determine if lands within the area may be prime farmlands. OSM estimates 2 hours per investigation, for a total of 7,600 person hours. All of these requirements will have to be met approximately once every 5 years.

30 CFR PART 780

Section 780.11 requires approximately 3800 applicants for a surface mining permit to include a description of the mining operations proposed to be conducted during the life of the mine within the proposed mine plan area. OSM estimates 8 hours per operation plan and 30,400 person hours annually.

Section 780.12 requires these 3800 mine operations to provide with their application, a description of each existing structure proposed to be used in the mining or reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. OSM estimates 8 hours per plan, for a total of 30,400 person hours.

Section 780.13 requires these permit applicants to submit a blasting plan for the permit area explaining how the applicant intends to comply with sections 30 CFR 816.61-68. OSM estimates 4 hours per plan, for a total of 15,200 person hours.

Section 780.14 requires these permit applicants to submit maps and plans of the proposed mine plan and adjacent areas as identified in 30 CFR 784.14. OSM estimates 40 hours per mining permit for a total of 152,000 hours.

Section 780.15 requires permit applicants to submit an air pollution control plan that shall include an air quality monitoring program to provide data to evaluate the effectiveness of fugitive dust control practices, and a plan for fugitive dust control as required under 30 CFR 816.95. OSM estimates that 30 operators will be required to establish a monitoring program consisting of 2 hours per report and submit between 360-400 reports for a total of 720-800 hours. In addition, all 3800 applicants must submit a fugitive dust control program consisting of 8 hours per program and totaling 30,400 hours.

Section 780.16 requires permit applicants to include a plan of how operators will minimize disturbances and adverse impacts to fish, wildlife and related environmental values. Approximately 3,800 operators will be affected by this requirement. OSM estimates that each plan will require 16 hours to complete, for a total of 60,800 hours.

Section 780.19 requires that a reclamation plan be submitted as part of the permit requirements. Approximately 3800 surface coal operators will be affected by this section. OSM estimates that 16 hours will be required to complete each report, for a total of 60,800 hours.

Section 780.21 requires approximately 3800 surface coal mine operators to submit a reclamation plan containing narrative descriptions with supporting materials to assure the protection of the quality and quantity of water and the rights of present users of the water in the mine plan and adjacent areas. OSM estimates 8 hours to prepare each plan, for a total of 30,400 hours.

Section 780.23 requires the permit applicant to provide a detailed description of the post mining land use in the permit area. Approximately 3800 surface coal operators will be affected by this requirement. OSM estimates that 8 hours will be required to complete each plan for a total of 30,400 hours.

Section 780.25 requires the permit applicant to include in reclamation plans specific elements with maps and cross sections of all water-holding facilities subject to approval of the regulatory authority under Subchapter K. Approximately

3800 surface operators will be affected by this requirement and each operation will have 3 impoundments. OSM estimates that 35 hours will be required for each plan, with 3 impoundments per operation, for a total of 399,000 person hours.

Section 780.27 requires the approximately 190 coal mine operations, that may be within 500 feet of an underground mine, to file an application describing the measures to be used to comply with 30 CFR 816.79. OSM estimates 8 hours per application, for a total of 1620 person hours.

Section 780.29 requires the permit applicant to provide descriptions including maps and cross sections of diversions within the proposed permit area. Approximately 80 percent of the 3800 surface operators will be affected by this requirement. OSM estimates that 8 hours per plan will be required, for a total of 24,320 hours.

Section 780.31 requires permit applicants to describe measures to minimize or prevent adverse impacts to public parks of historic places. Approximately 3800 surface operators will be affected by this part. OSM estimates that 4 hours per permit will be required, for a total of 15,200 hours.

Section 780.33 requires the permit applicant to describe, with appropriate maps and cross sections, ways by which public roads in the permit area will be protected. Approximately 80 percent of the 3800 surface operators will be affected. OSM estimates that 2 hours per plan will be required for a total of 6080 hours.

Section 780.35 requires the permit applicant to provide descriptions, maps, and cross sections of spoil disposal sites and disposal structures. Approximately 80 percent of the 3800 operators will be affected. OSM estimates that 24 hours per plan is required for a total of 72,960 hours.

Section 780.37 requires permit applicants to provide a plan with a description of each road, conveyor and rail system to be constructed, used or maintained within the mine plan area. Approximately 3800 operators will be affected by this requirement. OSM estimates that 30 hours per plan will be required for a total of 114,000 hours.

All of these requirements of Part 780 must be met by each surface mine operator approximately once every 5 years.[Page 18557]

Sections 782.13-21 require approximately 2300 underground coal mine operators to provide the regulatory authority with all relevant information regarding ownership and control of the property to be affected, their compliance status and history and a copy of the advertisement that is to be published in a local newspaper of general circulation. OSM estimates 20 hours per applicant and 46,000 hours for all permit applications. This requirement must be met approximately once every 5 years.

30 CFR PART 783

Sections 783.11-.12 require approximately 2300 underground mine operators to present, with the permit application, adequate descriptions of the existing pre-mining environmental resources within and around the proposed mine plan area. OSM estimates 20 hours per permit, for a total of 18,400 hours.

Sections 783.13-.16 require approximately 2300 underground mine operators to submit a statement of the geology, hydrology, and water quality and quantity for all lands within and adjacent to the proposed mine plan area. OSM estimates 40 hours per plan, for a total of 92,000 hours.

Section 783.17 requires 2300 underground permit applicants to submit a plan identifying the alternative sources of water if contamination occurs. OSM estimates 4 hours per permit application, for a total of 9200 hours.

Section 783.18 requires approximately 2300 underground coal mine operators to provide a statement, if requested by the regulatory authority, of the climatological factors that are representative of the permit area. OSM estimates 1 hour per plan, for a total of 2300 hours.

Section 783.19 requires approximately 2300 underground coal mine operators to submit a reclamation plan containing data regrading the capability of the land, giving consideration to vegetation cover. OSM estimates 1 hour per plan for a total of 2300 hours.

Section 783.20 requires 2300 underground coal mine operators to submit a plan with their permit application to minimize the adverse affects on fish and wildlife. OSM estimates 20 hours per plan, for a total of 46,300 hours.

Section 783.21 requires 2300 underground coal mine operators to submit a plan for top-soil preservation areas and information pertaining to soil samples. OSM estimates 4 hours per plan, for a total of 9200 hours.

Section 783.22 requires the 2300 applicants for underground mining permits to describe the pre-mining landuse condition of the land within the proposed mine plan and adjacent areas. OSM estimates 8 hours per plan, for a total of

18,400 hours.

Sections 783.24 and 25 require approximately 2300 underground coal mine operators to submit maps and supporting data, with the permit application, describing the affected land area. OSM estimates 40 hours per plan, for a total of 92,000 hours.

Section 783.27 requires 2300 underground coal mine operators to maintain records for an investigation by the regulatory authority as to whether the affected land is prime farmland. OSM estimates 2 hours per operator, for a total of 4600 hours.

OSM estimates that underground mine operators will have to meet these requirements of Part 783 approximately once every 5 years.

30 CFR PART 784

Section 784.11 requires approximately 2300 underground permit applicants to submit a description of all mining operations proposed during the life of the operation within the permit area. OSM estimates 8 hours per application, for a total of 18,400 hours.

Section 784.12 requires approximately 2300 operations to submit a description of each existing structure to be used in the operation. OSM estimates 8 hours per plan, for a total of 18,400 hours.

Section 784.13 requires approximately 2300 underground operations to submit a detailed plan specifying the reclamation of affected lands. OSM estimates 16 hours per reclamation plan, for a total of 36,800 hours.

Section 784.14 provides for the submission of annual reports of the quantity and quality of water measurements. OSM estimates 8 hours per report, assuming information is already available, for a total of 18,400 hours.

Section 784.15 requires approximately 2300 coal mine operations to provide a plan annually on the proposed post mine land uses. OSM estimates 2 hours per plan, for a total of 4600 hours.

Section 784.16 requires 2300 coal mine operations to submit, as part of reclamation plans, specific elements such as maps and cross-sections for each water-holding facility. OSM estimates 3 facilities per operation. Preparation time is estimated to be 35 hours per plan, for a total of 241,500 hours.

Section 784.17 requires approximately 2 percent of the 2300 underground operations to implement measures to minimize or eliminate adverse effects to public parks and historic places. This information is to be submitted with the permit application. OSM estimates 2 hours per permit, for a total of 92 hours.

Section 784.18 requires approximately 1840 underground operations to submit, with permit application, appropriate maps and cross sections, the measures to ensure public usage of public roads within 100 feet of mining areas. OSM estimates 2 hours per permit, for a total of 3,680 hours.

Section 784.19 requires approximately 2300 underground operations to submit appropriate maps and cross section drawings of the proposed disposal methods and sites for placing underground development waste. OSM estimates approximately 8 hours per permit, for a total of 18,400 hours.

Section 784.20 requires approximately 2300 underground operations to conduct a survey to show whether structures which exist in or adjacent to the permit area could suffer damage from subsidence. OSM estimates 24 hour per survey, for a total of 55,200 hours.

Section 784.21 requires approximately 2300 underground operations to submit a fish and wildlife plan including maps, to minimize disturbances and adverse impacts to fish, wildlife and related environmental values and achieve enhancement where applicable. OSM estimates 16 hours per plan, for a total of 36,800 hours.

Section 784.22 requires approximately 2300 underground operations to submit plans, maps, and cross-sections showing the underground mining activities to be conducted, lands affected and changes in facilities and features to be caused by proposed operations. OSM estimates 16 hours per plan, based upon an average mine site of 60 acres, for a total of 92,000 hours.

Section 784.24 requires approximately 2300 underground operations to submit a plan containing a description of each road, conveyor, and rail system to be constructed within the mine area. OSM estimates 30 hours to complete and prepare the plan, totaling 69,000 hours.

Section 784.25 requires approximately 2300 underground operations to submit a plan describing the design, operation and maintenance of any coal processing waste disposal facility. OSM estimates 16 hours per plan, for a total of 36,800

hours.

Other than the requirements of Section 784.14, which must be met annually, all of these provisions of Part 784 must be satisfied by underground operators approximately once every 5 years.

30 CFR PART 785

Section 785.13 (e) and (f) require each operator who intends to conduct experimental practices to submit an application to the regulatory authority and the Director for approval. OSM estimates 500-600 operators will submit an application at 16 hour per application, for a total of 8,000-9,600 person hour.[Page 18558]

Section 785.13(g) requires that all experimental practices for which variances are sought shall be specifically identified through newspaper advertisements by the applicant and written notification by the regulatory authority. OSM estimates 500-600 applicants and 1 hour per advertisement, for a total of 500-600 hours.

Section 785.13(h) outlines the requirements the application for experimental practices must meet before the Director may grant a permit. Approximately 600 operations will be affected at 48 hours per practice, for a total of 28,800 hours.

Section 785.14 requires the regulatory authority to issue a permit for mountain top removal. Approximately 50 operations will seek such a permit at 8 hours per operation, for a total of 400 person hours.

Section 785.15 requires approximately 1,100 operation to provide sufficient information on mining operations that will affect steep slopes. OSM estimates 8 hours per operation, for a total of 8,800 hours.

Section 785.16 applies to operations where the affected land is not to be reclaimed to the approximate original contour. Approximately 4 hours per operation will be required, for total of 1,760 hours.

Section 785.17(b)(1) requires a soil survey of all prime farmlands. Approximately 600 permit applications will be affected at 24 hours per permit and 400 permit applications at two hours per permit, for a total of 15,200 person hours.

Section 785.17(b)(2), (4), (6) and (8) require applicants to provide information concerning soil removal, stockpiling, stabilization, replacement and scientific studies showing that reclamation to equivalent or higher levels of yield are possible. Approximately 1,000 permit applications will be on prime farmlands. OSM estimates approximately 16 hours per permit, for a total of 16,000 person hours.

Section 785.18(c) applies to operations who intend to conduct combined surface mining and underground mining activities and request a delay of reclamation. OSM estimates 5 percent of the 6,100 operations will conduct such activities at 4 hours per request, for a total of 1,220 person hours.

Section 785.19 requires an onsite investigation to determine that the proposed operations will not interrupt, discontinue, or preclude farming on alluvial valley floors. OSM estimates 20 percent of the western operations located west of the 100th meridian west longitude (approximately 250) will conduct such determinations. 300 hours per investigation will be required, for a total of 15,000 person hours.

Section 785.20 requires coal mine operators who intend to conduct auger mining to submit a permit application describing augering methods to be used. OSM estimates 1,100 operators will conduct this type of mining; 8 hours per operation will be required, for a total of 8,800 hours.

Section 785.21 requires coal mine operators who intend to utilized coal processing plants or support facilities not within a permit area of a specific mine to submit specific plans, including descriptions, maps and cross-sections of the construction, operation, maintenance and removal of the processing plants and associated support facilities. OSM estimates 50 percent of the 6,100 operations will be affected by this requirement, at 3 hours per application, for a total of 9,150 hours.

Section 785.22 requires operators to submit, with their permit application, information regarding in suit processing activities. OSM estimates 10 percent of the 6100 operations will involve such activities, at 8 hours per application for a total of 4,880 person hours.

These requirements of Part 785 must be met by affected operators approximately once every 5 years.

30 CFR PART 786

Section 786.11(a) requires approximately 6100 coal mine operators to place an advertisement of their permit applications in a local newspaper once a week for four weeks depicting precise boundaries of affected areas. OSM estimates 2 hours per advertisement, for a total of 12,200 hours.

Section 786.11(b) and (c) requires the approximately 27 State regulatory authorities to notify various local government bodies, planning agencies, and sewage and water treatment authorities, of the operator's intention to surface mine a particular described tract of land. OSM estimates that these 27 states will spend approximately 452 hours per state on these notices.

Section 786.11(d) requires the approximately 6100 mining operations to submit copies of their permit applications to the recorder at the courthouse of the county where the mining is proposed to occur for public inspection. OSM estimates 1 hour per operation, for a total of 6100 hours.

Section 786.12-.13 requires any governmental unit which receives notice of the filings of a permit application to file comments to the State regulatory authority, any person adversely affected by the issuance of a permit to file objections to the application to the State regulatory authority, and that the regulatory authority file a copy of comments and objections for public inspection at the public office which the applicant filed a copy of his application. OSM estimates approximately 10 comments and/or objections will be filed at approximately 1 hour preparation time for a total of 10 hours.

Section 786.14 provides for the regulatory authority to conduct an informal conference to determine whether a permit should be issued for the 6100 coal mine operations. OSM estimates that 10 persons will submit written requests for conferences annually and the reporting burden will be 1 hour per request.

Section 786.17(b) requires the applicant to file a performance bond or an equivalent guarantee. OSM estimates approximately 6100 operations will file a performance bond and each performance bond will take 4 hours, for a total of 24,400 hours.

Section 786.17(c) requires an undetermined number of coal mine operations to prove to the satisfaction of the regulatory authority that the operation is not currently in violation of any law or prove that they are attempting to correct any violation, as the occasion arises. OSM estimates 4 hours per request and estimates 10 requests, for a total of 40 hours.

Section 786.19 sets forth the criteria by which a regulatory authority may approve or disapprove a permit application. Any of the 6100 mine operations may be required to comply. OSM estimates approximately 8 hours per application for a total of 48,800 hours.

Section 786.12(c) requires applicants to demonstrate that the use of existing structures by the permittee will comply with Sec. 701.11(c)(1)(ii). OSM estimates 8 hours per demonstration for all 6100 operators, for a total of 48,800 hours.

Section 786.23(c) requires that, in the event an informal conference is held, the regulatory authority shall submit a written report stating reasons for disapproval or approval. OSM estimates 2 hours per report and approximately 10 reports for a total of 20 hours.

Section 786.23(d) provides that, in the event no informal conference has been held, the regulatory authority shall submit a written report stating action on permit application OSM estimates 2 hours per report and approximately 10 reports for a total of 20 hours.

OSM estimates that all of these requirements of Part 786 will have to be met approximately once every 5 years.

30 CFR PART 788

Section 788.11 requires the regulatory authorities to review each permit issued and outstanding, no later than the middle of the permit term. OSM estimates 16 hours per permit update for approximately 1220 operations to total 17,520 hours annually.

Section 788.12 requires coal mine operators to submit a permit revision, if a change from the original application constitutes a significant departure from the proposed method of mining or reclamation. OSM estimates 1220 operators will submit revisions at 8 hours per operation for a total of 9,760 hours annually.

Section 788.14 provides requirements for general renewals, applications, terms, and approval or denial of renewals. OSM estimates each application for renewal will require 16 hours for approval or denial and estimates 1525 applications totaling 24,400 hours. Sections 788.17-19 require approximately 10 percent of the 6100 mine operators or 610 to submit general requirements to obtain approval for assignments of rights and requirements for new permits. OSM estimates 8 hours per operation times 6100 permits to total 4880 hours annually.[Page 18559]

30 CFR PART 800

Section 800.11 requires coal mine operators to file a bond with the regulatory authority prior to the issuance of a permit. OSM estimates 4 hours per bond for 1500 operations for a total of 6,000 person hours.

Section 800.12 requires approximately 6100 coal mines to file a certificate issued by an insurance company with the

permit application. OSM estimates ½ hour per operation, for a total of 3050 hours. Both of these requirements will have to be met by mine operators approximately once every 5 years.

30 CFR PART 805

Section 805.14(b) requires the regulatory authority to adjust the bond when the affected acreage of land changes. OSM estimates 100 revisions per year and 16 hours per revision, for a total of 1600 hours.

30 CFR PART 306

806.11 sets forth the requirements for self-bonding. OSM estimates 600 operations; 16 hours per operation, for a total of 9600 person hours. Section 806.14 identifies the requirements of bonding of mining operations. Approximately 6100 coal mine operations must comply with these requirements. OSM estimates 1 hour per operation, for a total of 6,100 hours.

30 CFR PART 807

Section 807 requires that the permittee file a written request in order to get the bond, or a portion of it, released by the regulatory authority. This section also requires that a copy of an advertisement be placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the operation. Furthermore, the section requires letters to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities or water companies. Approximately 3% of the 6,100 operations may request bond release in any given year. OSM estimates 2 ½ hours per request, and annual burden of 6,575 person hours.

Section 807.11(c) and (e) provide for the citizens or governmental units to file objection and requests for hearings and informal conferences relative to proposed bond release which may affect 10 percent of the 6100 coal operations. The State regulatory authorities must schedule the hearings or conferences. OSM estimates 10 persons and/or governmental units, 27 States and 610 coal mine operations must comply with these requirements for a total of 647 respondents. OSM estimates burden to be 8 hours per request and hearing or conference for a total of 5,176 hours annually.

Section 807.11(f) provides for the regulatory authority to review and detail specific points which the applicant must have satisfied and provides for notification of the regulatory authority's decision. Approximately 40% of the 6,100 operations will request such a review, which will take 16 hours per review, for an annual compliance burden of 39,040 hours.

Section 807.11(g) provides for the filing of written objections to all or a portion of a bond release and also provides for a public hearing. Approximately 10% of the 6,100 operations will request such a review, which will take 4 hours per request for an annual compliance burden of 2,440 hours.

30 CFR PART 808

Section 808.13 provides the procedures for forfeiture of performance bonds. Approximately 2% of the 6,100 coal mining operations will be required to post a performance bond in any given year. OSM estimates 8 hours per operation, for a total of 976 hours per year.

30 CFR PART 816

Section 816.46(c)(4) requires documentation on theoretical detention time be included with the permit application. Approximately 3800 surface coal mine operations must submit this information. OSM estimates 16 hours per application for a total of 60,800 hours. Section 816.46(r) requires approximately 3800 surface coal mine operations to have the construction of each sedimentation pond supervised and certified by a registered professional engineer. OSM estimates 16 hours per operation for a total of 60,800 worker hours.

Section 816.46(t) requires approximately 3800 surface coal mine operations to examine ponds, quarterly, for structure weakness, erosion and other hazardous conditions and submit reports to the regulatory authority. OSM estimates 8 hours per report for a total 4 times per year, 121,600 hours annually.

Section 816.49(h) requires approximately 100 surface coal mine operations to submit, annually certification and reporting of each dam or embankment. OSM estimates 16 hours per report, for a total 16,000 hours annually.

Section 816.52(a)(3) establishes provisions for ground water monitoring for approximately 3,040 surface coal mine operations. Operations must submit a report once per year after conducting the tests. OSM estimates 8 hours per operation for a total of 24,320 hours.

Section 816.53(b)(1)(iii) requires approximately 3040 surface coal mine operations to submit a copy of quarterly reports

on the analytical results of sample collection of surface water monitoring. OSM estimates 4 hours per report, 4 times per year, for a total of 48,640 hours annually.

Section 816.53(a) requires approximately 950 operations, whenever the occasion arises, to submit a request for approval to the regulatory authority before a monitoring or an exploratory well may be transferred for further use as a water well. OSM estimates that 950 written requests will be filed per year at 1 hour per request for a total of 950 hours annually.

Section 816.62 requires approximately 3800 surface coal mine operations to submit a preblast record. OSM estimates 3 requests per year per mine at 2 hours per request for a total of 22,800 hours annually.

Section 816.64 requires approximately 2800 surface coal mine operation to give advance written notice to local governments and residents that might be affected by use of explosives. OSM estimates the average number of houses required per operator to be 20 houses, at 4 times per year, for a total of 224,000 hours annually.

Section 816.65(a)(iii) requires approximately 380 coal mine operations to submit a report specifying the reasons why blasting must be undertaken at night rather than the next day. This section requires operations to submit this report within three days after blasting at night has occurred. OSM estimates 6 hours per report, for a total 2,280 hours annually.

Section 816.67 requires approximately 3800 surface coal mine operations to maintain a seismograph record of blasting at the time of the blast. OSM estimates 2 hours per record and that each operation will make one record daily totaling 1,907,600 hours annually.[Page 18560]

Section 816.68 requires approximately 3800 surface coal mine operations to maintain logs of blasting with detailed information for a period of three years. OSM estimates ½ hour for each record and approximately 251 blasts per operator for a total of 476,900 hours. Section 816.71 (j) requires approximately 3800 operations to submit, quarterly, a report certifying that all excess spoil material be placed in a controlled manner. OSM estimates 8 hours per report and 121,600 hours annually.

Section 816.82(a)(4) and (b) requires 3800 surface coal mine operations to submit a report quarterly, to certify that coal processing waste piles do not present a potential hazard. OSM estimates 8 hours per report and 121,600 hours annually. Section 816.87 requires approximately 380 surface coal mine operations to adhere to environmental performance standards with respect to disposal of mine wastes. OSM estimates 8 hours per operation and 3,040 hours annually.

Section 816.91(b) requires approximately 3300 surface coal mine operations to demonstrate, annually, to the regulatory authority that dams and embankments that will be constructed out of coal processing waste will meet design and construction specifications. OSM estimates 12 hours per demonstration and 39,600 hours annually.

Section 816.117(b)(4), (c), (1), (c)(3) requires approximately 1200 surface coal mine operations to conduct an inventory of woody plants that are to be affected. Inventory plans must be submitted every 10 years for the west and 5 years for the east. OSM estimates 40 hours per plan and 1200 of the plans to be submitted per year totaling 48,000 hours annually.

Section 816.131(b) requires approximately 900 surface coal mine operations to submit a report prior to cessation advising the regulatory authority of their intentions. OSM estimates 4 hours per notice and 3600 hours annually. Section 816.133(c)(1)-(4), (c)(8)-(9) requires approximately 900 surface coal mine operations to submit, once, specific plans for supporting approved alternative land uses. OSM estimates approximately 40 hours per operation and a total of 36,000 hours. Section 816.150(d)(1) requires approximately 3800 surface coal operations to certify the design and construction of Class I roads, as the occasion arises. OSM estimates 8 hours' per demonstration and 30,400 hours annually. Section 816.152(d)(13) requires approximately 3800 surface coal mine operations to demonstrate, as the occasion arises, that no additional acid will leave the confines of the coal processing waste bank of Class I road embankments. OSM estimates 16 hours per demonstration and 60,800 hours annually.

Section 816.160(d)(1) requires approximately 925 surface coal mine operations, as the occasion arises to employ a professional engineer to certify the design and construction of Class II roads. OSM estimates 8 hours per certification and 7,400 hours annually. Section 816.163(d) requires approximately 900 surface coal mine operations, as the occasion arises to adhere to specifications with respect to construction of roads up a drainage channel. OSM estimates approximately 2 hours per operator and 1800 hours annually.

30 CFR PART 817

Section 817.46(c)(4) requires approximately 2300 underground coal mine operators to calculate theoretical detention time and supporting documentation for permit application. OSM estimates 16 hours per application and 36,800 hours annually.

Section 817.46(r) requires approximately 2,300 underground coal operations to have each sedimentation pond under construction, be supervised and certified by a professional engineer to meet design specifications. OSM estimates 16 hours per operation and a total of 36,800 person hours.

Section 817.46(t) requires approximately 2,300 underground mine operations to examine ponds quarterly for structure weakness, erosion and other hazardous conditions and submit reports to the regulatory authority. OSM estimates eight hours per inspection and four inspections per year for a total of 73,600 person hours.

Section 817.49(h) requires 600 underground coal mine operators to submit annual certification and reporting of each dam or embankment that meets criteria of 30 CFR 177.216(a). OSM estimates 16 hours per application and 9,600 hours annually.

Section 817.52(a)(3) requires 1,840 underground coal mine operators to submit the results of additional hydrological tests to the regulatory authority, once, after conducting tests. OSM estimates eight hours per operation and 14,720 hours annually.

Section 817.52(b)(1)(iii) requires approximately 1,840 underground coal mine operators to submit a copy of quarterly reports of analytical results of sample collections on surface water monitoring and a copy of the discharge monitoring reports required by NPDES to the regulatory authority. OSM estimates four hours per operator and 7,360 hours annually.

Section 817.53(a) requires approximately 560 operators to submit a request, whenever the occasion arises, for approval to the regulatory authority before a monitoring or exploratory well may be transferred for further use in surface mining. OSM estimates that approximately 560 written requests will be filed per year consisting of one hour per request, totaling 560 hours annually.

Section 817.62 requires 560 underground coal mine operations to perform a pre-blast survey when requested by a resident or owner of a structure within one-half mile of any portion of the permitted area and to keep a record of the surveys. It is estimated by OSM that operators will receive three requests per year consisting of two hours per request, totaling 3,360 hours annually.

Section 817.65(b)(2)(iii) requires approximately 500 underground coal mine operators to submit within three days after blasting a report to the regulatory authority specifying the reasons why blasting has to be undertaken at night rather than the next day. OSM estimates six hours per request and 3,000 hours annually.

Section 817.67 requires approximately 1,700 operations to maintain seismography records when operations do not use the formula provided in 30 CFR 817.65(L) for determining the maximum quantity of explosives. OSM estimates an average per blast of two hours for recording information during blast and preparing reports and one blast per day for the 1,700 operations and a total of 853,400 person hours per year.

Section 817.68 requires approximately 2,300 underground coal mine operators to maintain logs of blasting for a period of three years. OSM estimates one-half hour for recording information and assumes one blast per day for each of the 2,300 coal operators totaling 414,150 hours annually.

Section 817.71(j) requires approximately 1,700 underground coal mine operators, to submit quarterly, a report certifying that all excess spoil material and underground development waste be placed in a controlled manner. OSM estimates eight hours per operator with 1,700 reports in 1979 and an additional 400 reports in 1980 totaling 67,200 hours annually.

Sections 817.82(a)(4) and (b) require approximately 2,300 underground coal mine operators to submit a report, quarterly, to certify that coal processing waste piles do not present a potential hazard. OSM estimates eight hours per report totaling 73,600 hours annually.

Section 817.87 requires approximately 230 underground coal mine operators to adhere to environmental performance standards with respect to moving mine wastes and submit a report annually. OSM estimates eight hours per operator and 1,840 hours annually.[Page 18561]

Section 817.91(b) requires approximately 2,000 underground coal mine operators to submit once, during the life of the mine, a report that dams and embankments that will be constructed out of coal processing waste will meet design and construction specifications. OSM estimates 12 hours per report and 24,000 hours annually.

Sections 817.117(b)(4), (c)(1), (c)(3) require approximately 1,380 underground coal mine operators to submit, once every 10 years for the west and five years for the east, an inventory of woody plants to be affected by the mining. OSM estimates 1,380 inventories per year consisting of 40 hours per inventory, totaling 55,200 hours annually.

Section 817.131(b) requires approximately 560 underground operators to advise the regulatory authority, prior to cessation, of such intention by submitting a notice of intention to cease mining and reclamation operations. OSM estimates four hours preparation time per notice totaling 2,240 hours annually.

Sections 817.133(c)(1)-(4) and (c)(8)(9) require approximately 560 underground coal mine operators to submit specific plans, prior to the release of lands from the permit area within a years time, for reclamation of the land. OSM estimates 40 hours per report and 22,400 hours annually.

Section 817.150(d)(1) requires approximately 2,300 underground coal mine operators to have a professional engineer to certify the design and construction of Class I roads, as the occasion arises. OSM estimates eight hours per certification and 18,400 hours annually.

Section 817.152(d)(13) requires approximately 1,840 underground coal mine operators to demonstrate, as the occasion arises, to the regulatory authority that no additional acid will leave the confines of the coal procession waste banks of Class I road embankments. OSM estimates 16 hours per operator and 29,440 hours annually.

Section 817.160(d)(1) requires approximately 560 underground coal mine operators to provide, as the occasion arises, a professional engineer to certify the design and construction of Class II roads. OSM estimates eight hours per operator and 4,486 hours annually.

Section 817.163(d) requires approximately 560 underground coal mine operators to submit specific plans, as the occasion arises, pertaining to construction of roads up a drainage channel. OSM estimates approximately two hours per report and 1,120 hours annually.

30 CFR PART 822

Section 822.14(a)(d) specifies the type of monitoring data and analysis that an operator must make available to the regulatory authority for an environmental monitoring system on alluvial valley floors west of the 100th meridian. Data required to be collected varies in frequency as follows: Topography annual topographic map; water quality -- monthly; water flow-monthly; vegetation -- annual (seasonal); soil and soil moisture-annual. OSM estimates 10 plans must be submitted and computes compliance burden to be as follows: Topography -- 16 hours/year; Water quality -- 8 hours/month; Water flow -- 8 hours/month; vegetation -- 16 hours/year; soil and soil moisture -- 20 hours/year; and aerial imagery -- 8 hours/year. OSM estimates total compliance burden to be 2,520 hours annually.

30 CFR PART 826

Section 826.12(b) requires underground and surface coal mine operators to demonstrate to the regulatory authority, using standard geotechnical analysis, that the minimum static factor of safety for the stability of all portions of the reclaimed land is at least 1.3. OSM estimates 1460 operators must meet this requirement. Total reporting time is estimated at 16 hours per demonstration for a total of 23,360 hours for all permit applicants.

30 CFR PART 840

Section 840.11(a)(c)(d)(3) sets forth the minimum requirements for the Secretary's approval of provisions for inspections and enforcement. OSM estimates 27 states will have an approved program and each state must file a report. OSM estimates 47,600 reports will be filed comprising of 1 hour per report for a total of 47,600 hours. Additionally, Section 840.11(b) requires one complete inspection quarterly which would require 4 reports a year, estimated at 2 hours per report for a total of 47,600 hours. Therefore, the compliance burden for this section totals 95,200 hours annually. Section 840.14(a)(b) provides for citizen participation in enforcement by making information readily available for their use. OSM assumes 27 states will implement an approved program and would require 4 hours per state to make information available, totaling 108 hours annually.

30 CFR PART 842

Section 842.12(a) governs those occurrences which necessitate a Federal inspection as a result of citizen complaints pursuant to Section 842.11(b)(1). This Section requires all citizen complaints to be initiated by a signed written statement or an oral report followed by a written statement. OSM estimates 20 requests per month or 240 requests per year, consisting of 2 hours per request and an annual compliance burden of 480 person hours. Section 842.14 states that any person who is or may be adversely affected by a surface coal mining and reclamation operation may notify the Regional Director in writing of OSM's alleged failure to make adequate and complete or periodic inspections. OSM estimates 10 notifications per month or 120 per year consisting of 2 hours per notice, an annual compliance burden of 240 person hours. Section 842.15(a)(b) require a citizen to request, in writing, that the Regional Director review informally an inspector's decision not to inspect or to take appropriate enforcement action on alleged violations. OSM assumes 5 requests per month or 60 requests per year

and estimates 2 hours per request and an annual compliance burden of 120 hours.

30 CFR PART 843

Section 843.11(a)(2), (b)(2), (c), (f) sets forth the provisions regarding the issuance of cessation orders, OSM estimates a range of 12 in states with a few mines to 100 orders a year in states with extensive mining. OSM estimates ½ hour per order and a range of 3500 to 21,000 orders to total 1750 to 10,500 hours. Section 843.12(a)(2), (b), (e) sets forth provisions regarding the issuance of notices of violation. OSM estimates a range of 2 notices of violation per year for states with few coal mines and 100 notices of violation per year for states with extensive mining. OSM estimates 2 hours per notice and a range of 4 hours to 200 hours annually. Section 843.13(c), (d), (e) sets forth the general rules regulating the suspension or revocation of permit. OSM estimates a low of 2 suspensions or revocations per year by states with few coal mines to 30 per year by states with extensive mining. OSM estimates a range of ½ hour per suspension and a range of 1 hour to 15 hours. The state, if requested, must also provide a notice of hearing consisting of ½ hour per hearing and a range of 1 hour to 15 hours per state. In addition, the state regulatory authority must prepare a written determination as to whether a pattern of violations exists; comprising 2 hours per statement and a range of 4 to 60 hours annually.

Section 843.14(a), (b), (c), (d) sets forth the general procedures for serving notices of violation and cessation orders. OSM estimates a range of 1 notice to 100 notices per state depending on the number of mines in that state. OSM estimates a range of ½ hour to 50 hours for notices and an additional 50 hours for orders for total annual burden estimates of a range from 14 hours to 1400 hours for notices and 1400 hours for orders. Section 843.15(d), (f) requires the regulatory authority to post and publish notices of hearings and shall affirm, modify or vacate the notice 5 days after the hearing regarding the alleged violations. OSM estimates 6 hours per notice and decision and 162 hours annually. Section 843.16 enables a person, who is issued a notice of violation or cessation order, to request a review of said action by filing an application for review and request for hearing. OSM estimates 300 requests per year with 1 hour preparation time and 300 hours annually. [Page 18562]

30 CFR PART 845

Section 845.17(a) enables any of the 6100 coal mine operators, if a notice of violation or cessation order has been issued to them, to submit written information about the violation to the State and to the inspector that issued the violation. OSM estimates one hour preparation per response depending on the State and assumes 100 responses, comprising 100 hours annually. Section 845.17(b) requires the State, upon receipt of the operator's response, to serve a copy of the proposed assessment and a copy of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued. OSM estimates 1 hour per assessment and 100 assessments per year, comprising of 100 hours annually.

Section 845.18(c) provides for the State to arrange for a conference to review the proposed assessment, upon written request of the person to whom the notice was issued. OSM estimates ½ hour per request and estimates there will be 10 requests that the State regulatory authority will receive, for a total of 5 hours. Section 845.18(d) provides that if the conference is granted then the person assessed will be deemed to have waived all rights to further review of the violation, except as otherwise expressly provided in the settlement agreement. OSM estimates 30 minutes per agreement with 10 requests estimated, for a total of 5 hours. Section 845.19(a) enables the person charged with the violation to contest the proposed penalty or the fact of the violation by submitting a petition. OSM estimates 3 hours per petition and a range of 2 petitions per year in States with few mines to 100 petitions per year in States with extensive mines. Therefore, OSM estimates from 6 hours to 300 hours.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

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