DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for 30 CFR Part 778, Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, has been forwarded to the Office of Management and Budget (OMB) for review and reauthorization. This information collection was previously approved and assigned clearance number 1029–0034. This notice describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 19, 1999, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783, or electronically to jtreles@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information for 30 CFR Part 778, Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR Part 778, which is 1029–0034.

As required under 5 CFR 1320.8(d), a Federal Register notice soliciting comments on the collection of information was published on January 13, 1999 (64 FR 2231). This notice gave the public 60 days in which to comment on 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 of respondents. OSM received one comment from an industry group. Although afforded the opportunity, this commenter did not provide any substantive suggestions regarding the need for the collection, accuracy of the estimated burden, or methods to improve the collection. However, the commenter did state that OMB should disapprove the information collection request. OSM published an Interim Final rule on April 21, 1997 (62 FR 19540), which altered regulatory language at 30 CFR Part 778. The commenter stated that, since OSM did not prepare an information collection package with a notice and comment period “OMB should disapprove the ICs [information collections] contained in the IFR [interim final rule], until such time as OSM publishes the ICs in the Federal Register for public comment, as required by the Paperwork Reduction Act (PRA) and OMB regulations.”

When it promulgated the IFR on April 21, 1997, OSM explained that the IFR “does not contain collections of information which require approval by [OMB] under [the PRA]. OMB has previously approved the collection activities and assigned clearance numbers. * * *” 62 FR 19450, 19457, 19459 (April 21, 1997). OSM based this statement on the good faith belief that, for PRA purposes, the collections of information contained in the IFR do not represent “material or substantive” modifications to the currently approved collections of information which were associated with the prior ownership and control rules, and therefore, did not require notice and comment from the public, nor OMB approval. (Importantly, the IFR impose no new information requirements on permit applicant’s rather, the IFR actually pose less of a burden to applicants, as they require submission of slightly less, though largely the same, information as the prior permit information rule. Indeed, all of the information called for in Part
778 of the IFR was covered by the currently valid OMB control number associated with the prior rule.)

Even if the IFR’s collections of information were material or substantive, OSM’s current renewal effort relative to 30 CFR Part 778 will cure any procedural or technical defects by affording the respondent pool with the same notice and opportunity to comment that would have been provided had OSM submitted the IFR to the PRA’s notice and comment procedures; the notice and comment provisions for renewals are substantially identical to the provisions for collections for information contained in an interim final rule. 5 CFR 1320.10, 120.12. Furthermore, this renewal package reflects all changes in the IFR that should in any case remain valid pending OMB’s review of the approval package.

As required by the PRA, OSM will seek an additional 30-day comment period regarding this information collection activity upon OSM submission of this clearance request to OMB for review. All interested parties will have another opportunity in which to submit substantive comments on the following information collection activity:

Title: Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information—30 CFR 778.

OMB Control Number: 1029–0034, Summary: Section 507(b) of P.L. 95–43, requires that applications for Federal permits be made in accordance with the Department’s rules of practice and procedures, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).


General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background:

The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of DRAMs from Taiwan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b).

The investigation was requested in a petition filed on October 22, 1998, by Micron Technology, Inc., Boise, Idaho.

Participation in the Investigation and Public Service List:

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §201.11 of the Commission’s rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List:

Pursuant to §207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested