

Supporting Statement A

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

OMB Control Number 1029-0036

Terms of Clearance: None

Introduction

This information collection clearance package is being submitted by the Office of Surface Mining Reclamation and Enforcement (“we” or OSMRE) to request renewed information collection authority for 30 CFR Part 780 of the OSMRE permanent regulatory program. This regulation governs the minimum requirements for preparing Reclamation and Operation Plans to be submitted as part of a surface mining permit application package for new permits and for permit revisions that add acreage to the permit area but are not incidental boundary revisions. We included information collection required for permit revisions that add acreage to the permit area but are not incidental boundary revisions because we believe it more accurately reflects the burden hours required for applicants and state regulators to comply with information collection required under 30 CFR Part 780. The information collection for this part was previously approved by the Office of Management and Budget (OMB) and assigned clearance number 1029-0036. Each section of Part 780 for which there is an information collection or record-keeping requirement is detailed.

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.*

Sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of 30 U.S.C. 1201 et. seq. require applicants to submit operation and reclamation plans for coal mining activities.

This information collection is needed to determine whether the plans will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests. In accordance with sections 507(b)(7) and 508(a)(5) of the Act, §780 requires the permit applicant to provide a description of the mining operations to be conducted within the permit area that includes the type and method of coal mining techniques to be used and a narrative explaining construction, maintenance and use of facilities. Sections 508(a)(13) of the Act, requires a plan of how the operator will minimize disturbances and adverse impacts to fish, wildlife and related environmental values and achieve enhancement, where applicable. Maps showing each facility to be used to protect and enhance fish and wildlife and locations of wildlife monitoring points shall be included.

2. *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.*

Section 780.11

Paragraph (a) requires a narrative description of the mining methods, engineering techniques, and major equipment planned for use in the operation, and a description of the anticipated production of the mine. Paragraph (b) requires a narrative description of the planned use of certain listed facilities, including construction, modification, maintenance, and removal of such facilities.

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

Section 780.12

This regulation is necessary to place persons on notice of the effect of permitting and performance standards on existing structures. In the absence of such specific regulations, permit applicants would be required to submit for existing structures the information and plans required for new structures in order to demonstrate compliance with the performance and design criteria in Subchapter K. The purpose of this regulation is to require sufficient information to demonstrate that the permit applicant is either entitled to an exemption from reconstruction requirements, to ascertain the need for the existing structure, and to ensure performance standards are met for environmental and public health and safety concerns.

Section 780.13

This plan provides the regulatory authority with information demonstrating how the applicant intends to comply with the performance standards. These standards establish

limits for maximum air blast, fly rock, and ground vibration resulting from blasting. If it were not collected, there would be no way to comply with the law

Section 780.14

Accurate maps and plans are needed by the regulatory authority to determine whether the applicant can meet the performance standards of Part 816. This information will give the regulatory authority an overview of the entire operation to supplement the information on plans for the proposed permit area. This information is necessary in order to assess the cumulative impacts of the entire mining operation, to ensure high quality planning and design required in the application. If the information were not collected, there would be no way to comply with the law.

Section 780.16

This information is needed by the regulatory authority to ensure minimal disturbance and adverse impacts on fish and wildlife and related environmental values during the mining activities. If it were not collected, there would be no way to comply with the law.

Section 780.18

Detailed information is required to enable the regulatory authority to determine whether the proposed mining operation will be conducted in compliance with the performance standards contained in Subchapter K of these regulations and to make the findings required to issue a permit. The required information includes a detailed timetable for the completion of each major step in the reclamation plan and a detailed estimate of the cost of reclamation together with supporting calculations, and is necessary for the regulatory authority to determine the amount of the bond. Information includes plans for spoil handling, soil replacement, revegetation, conservation of the coal resource, acid/toxic material handling, combustible material handling, sealed or managed mine openings complying with the Clean Air Act and the Clean Water Act.

Section 780.21

Use of information required by each specific paragraph of this section is as follows:

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

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

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

Information collected during baseline studies, surface - and ground-water inventories and modeling exercises, with supplemental information, if necessary would be used by the applicant and the regulatory authority to predict probable hydrologic impacts. This assessment will be used by the applicant to design the mining operation and reclamation plans, to protect the water rights of others and by the regulatory authority as part of the cumulative hydrologic impact assessment. This information is not collected by other Federal agencies.

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

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

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

Section 780.22

The information collected by the applicant is used in the preparation of the permit application package, whose contents are evaluated by the regulatory authority. The

written record is used by the regulatory authority to verify that water quality will not be damaged by the mining operation. The use of the information or records required by each paragraph is as follows:

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

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

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

Section 780.23

The uses of the information in §780.23 required by each of the specific paragraphs of this section are as follows:

(a) and (b) - This information is designed to aid the regulatory authority in making decisions on proposed postmining land- use. The analysis required should discuss and compare the information required to be submitted under sections dealing with land use information and general reclamation requirements. This will provide the basis for a complete evaluation of the projected impacts of proposed mining and reclamation on the land-use capabilities of the area affected.

(c) - This section requires the application to include the surface owner's and local government land agency's comments on the proposed use of the land. Information from this section is used by the regulatory authority to evaluate the proposed postmining land uses and to assess the compatibility of the proposed land use with the existing land use policies and plans.

Section 780.25

Both permit applicants and SMCRA regulatory authorities use the information required by this rule to ensure that siltation structures, impoundments, and refuse piles are designed to protect public safety, property, and the environment.

Section 780.27

This information is the basis for the regulatory authority to ensure compliance with the

requirement of §816.79.

Section 780.29

This information is needed by the regulatory authority to determine the methods used by the applicant in the construction of diversions to control stream channels, overland, and shallow ground water flow. This will provide information to the regulatory authority to determine if proposed diversions compliant with applicable regulations.

Section 780.31

This information is needed by the regulatory authority to determine the methods used by the applicant in the construction of diversions to control stream channels, overland, and shallow ground water flow. This will provide information to the regulatory authority to determine if proposed diversions compliant with applicable regulations.

Section 780.33

This information is necessary for the regulatory authority to ensure that the rights of present users and nearby landowners affected are protected where there is a public road relocation, the construction of a new road, or mining activity within 100 feet of public roads.

Section 780.35

The regulatory authority uses the geotechnical investigation and fill design requirements of this section to ensure that excess spoil is disposed of safely in a stable manner with a minimum of adverse environmental impacts.

Section 780.37

These plans and drawings from the applicant that describe each road width, gradient, surfacing material, cut, fill embankment, culvert, bridge, drainage ditch, low-water crossing and drainage structure are needed so the regulatory authority is provided with comprehensive and reliable information on each structure. From the drawings and specification, the regulatory authority must approve each road that is located in the channel of an intermittent stream or perennial stream, each road stream ford that is used as a temporary route and each alteration or relocation of a natural drainageway. These drawings and specifications are approved by the regulatory authority as being properly designed and consistent with engineering and environmental standards. This information is needed to determine that each road or approved drainage structure does not cause pollution of water, damage to fish or wildlife or their habitat or public or private property.

Section 780.38

These plans and drawings from the applicant are needed so the regulatory authority is provided with comprehensive and reliable information on each system or facility. These plans and specifications are approved by the regulatory authority as being in sufficient detail to demonstrate compliance with §816.181 for each system or facility. This information is needed to determine that each system or facility effectively controls

erosion, attendant air and water pollution.

3. *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.*

This information is unique to each applicant and mining area. Respondents are individual mining companies who apply for permits on an as-needed basis, and the SRAs (SRA's) who must review and approve the permit applications. OSMRE continues to work with SRA's and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in virtually all coal-producing states to use electronic and information technology to submit and receive permit applications which improve efficiency and reduce the time and cost burden to permit applicants and SRA's. OSMRE continues to actively support SRA's implementation of electronic permitting and other reports normally prepared and submitted on paper. OSMRE currently estimates that 75% of applications are received electronically, with some SRA's in the early stages of electronic exchange, while others receive 95% of permit applications on CD's or are directly downloaded to the State-run internet server. Applicants realize some cost reductions due to electronic submission of data through eliminating reproduction costs and postage.

4. *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.*

The information requested for 30 CFR Part 780 is time-sensitive and unique to each site. Duplication is minimal to nonexistent. OSMRE is the only Federal agency charged with implementation of sections 507 and 508 of the Surface Mining Control and Reclamation Act (the Act or SMCRA).

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

There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to document the permit and to conduct coal mining and reclamation operations. Adequate documentation is essential to ensure protection of public health and safety, water quantity and quality, wildlife habitat, while encouraging to maximize the production or recovery of coal reserves and to minimize the environmental disturbances around the coal mining site. Therefore, the hour burden on any small entity subject to these regulations and associated collections of information cannot be reduced to

accommodate them.

6. *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.*

Information required in Part 780 provides the basis for SMCRA permitting decisions by SRA's. Information required for Part 780 is provided at the time of application and is, therefore, not collected on a periodic basis.

7. *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.*

Guidelines in 5 CFR 1320.5(d)(2) are not exceeded. Generally, 3 copies are submitted by permit applicants to the SRA's. In States that promote electronic submissions, 1 to 3 CD's are submitted by applicants. In the Commonwealth of Virginia, applicants are encouraged to either submit an application on CD, or to complete the application using the State's website where drop-down menus and pre-populated hydrologic and geologic data are employed for convenience.

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

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

8. *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.

OSMRE contacted a mining company official and two regulatory authorities with experience in the preparation or processing of surface coal mining applications to determine the burden placed on respondents by 30 CFR Part 780 of the Federal regulations (see list below).

New River Engineering, INC
School Drive
Belle, West Virginia 25015

Montana Department of Environmental Quality
Coal and Opencut Mining Bureau
1216 East 6th Avenue
Helena, Montana
59620-0901

North Dakota Public Service Commission
Reclamation & AML Division
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

These groups provided revised burden estimates, but in general did not provide any suggestions for improving the regulations or ways to minimize the burden on respondents. The industry group provided revised burden hours for sections 780.25, 780.35, and 780.37 which doubled average hours per applicant. This increase is reflected

in the summary table for burden hours.

On March 24, 2021, OSMRE published in the Federal Register (86 FR 15697) 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. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

No payments or gifts were made to respondents.

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

In general, confidential information is not provided. However, the permit applicant may request that certain portions of the application be held confidential for certain business or other reasons, such as coal reserves in the planned mining area or to protect the location of archeological resources on public and Indian lands. These requests are handled in accordance with the procedures provided for in §773.13(d).

11. *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.*

Sensitive questions are not asked.

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.*

a. Burden Hour Estimates for Respondents

The table below summarizes the burden hours for industry applicants and for the State regulatory authorities with corresponding changes from current burden hour estimates. Revised number of responses for industry applicants and state regulators are based on the number of new surface mining permit applications and permit revisions that add acreage to an existing surface mining permit area. We anticipate 100 new applications per year from applicants, a decline from 133 from the previous IC renewal. It is expected that State regulatory authorities would have jurisdiction for 99 of the 100 new applications, with one application received where OSMRE is the regulatory authority.

For section 780.27 we estimated that 20% (or 20) of the 100 permit applications will be required to submit information necessary to satisfy this section, with each applicant requiring 16 hours to complete this portion of the application. Therefore, 20×16 hours per response = 320 total hours. We also estimate that for section 780.35 more than 98% of all excess spoil fills are located in the three states of Kentucky, Virginia, and West Virginia. We used the 2019 data from these three states which gave a total of 84 applications. From the past, 39% of new permits or revisions involved excess spoils. Therefore, we estimated 33 application (39% of 84) per year for this section.

Summary of Burden Hour Estimates for Respondents with Changes from Current

	Industry Responses	State Responses	Hour per Industry Response	Hours per State Response	Industry Burden Hours	State Burden Hours	Total Hours Requested	Hours Currently Approved	Difference
780.11	100	99	8	7	800	693	1,493	1,988	-495
780.12	100	99	16	2	1,600	198	1,798	2,392	-594
780.13	100	99	80	6.5	8,000	644	8,644	11,498	-2,854
780.14	100	99	80	32	8,000	3,168	11,168	14,864	-3,696
780.16	100	99	30	11	3,000	1,089	4,089	5,442	-1,353
780.18	100	99	8	5	800	495	1,295	1,724	-429
780.21	100	99	160	21.5	16,000	2,129	18,129	24,118	-5,989
780.22	100	99	120	18.5	12,000	1,832	13,832	18,402	-4,570
780.23	100	99	40	9	4,000	891	4,891	6,508	-1,617
780.25	100	99	80	10	8,000	990	8,990	6,640	2,350
780.27	20	20	16	2.5	320	50	370	500	-130
780.29	100	99	16	5	1,600	495	2,095	2,788	-693
780.31	100	99	8	5	800	495	1,295	1,724	-429
780.33	100	99	16	4	1,600	396	1,996	2,656	-660
780.35	33	33	80	12	2,640	396	3,036	1,404	1,632
780.37	100	99	40	7	4,000	693	4,693	3,983	710
780.38	100	99	77.5	6	7,750	594	8,344	11,100	-2,756
TOTAL					80,910	15,248	96,158	117,731	-21,573

b. Estimated Annual Wage Cost to Respondents

OSMRE uses the U.S. Department of Labor's Bureau of Labor Statistics (BLS) figures for calculating cost burden placed on respondents. For industry wages for occupation are derived from http://www.bls.gov/oes/current/naics4_212100.htm. For state government wages are found at http://www.bls.gov/oes/current/naics4_999200.htm. We have also included a benefits factor at a rate of 1.4 of salaries for the coal companies, and a benefits factor of 1.6 for state government employees. These benefit estimates were developed in accordance with the BLS news release USDL-21-0437, dated March 18, 2021, Employer Costs for Employee Compensation – December 2020 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

We identify one occupation category for the state processing the application (listed as

environmental engineer technician). The hourly wage rate (from BLS) is \$25.96, and with benefits (1.6) is \$41.54 / hour. Therefore, the total annual wage cost for the state is \$633,341 (15,248 hours x \$41.54/hour).

There are 11 occupation categories identified for industry (listed below) each with different wage rates. A weighted-average wage rate is calculated based on each occupational wage and hourly contribution per response. Using each occupation cost as weights, we arrive at an average rate of \$56.42/hour.

Therefore, the total annual wage cost for the industry is \$4,564,942 (80,910 hours x \$56.42/hour). In sum the total wage cost is \$5,198,283 (\$633,341 for state + \$4,564,942 for industry).

Industry Occupation Wages and Weighted-Average Wage Rate

	BLS Wage	Wage \$ with benefit (1.4)	Share of Total Cost	Contribution to average hourly rate
	\$ / hour	\$ / hour	%	\$ / hour
Clerical	20.59	28.83	1.49	0.43
Engineering Technician	30.80	43.12	19.54	8.43
Mining Engineer	43.73	61.22	29.29	17.93
Civil Engineer	44.33	62.06	1.43	0.89
Geological Engineer	43.73	61.22	11.97	7.33
Environmental Technician	30.64	42.90	0.69	0.30
Environmental Engineer	42.44	59.42	2.60	1.54
Environmental Science Technician	40.37	56.52	15.60	8.82
Earth Drillers	29.16	40.82	7.51	3.07
Hydrologist	40.37	56.52	2.60	1.47
Operations Manager	61.09	85.53	7.28	6.23
All			100	56.42

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.*

a. Capital and Start-up Costs

Non-labor cost for each section is summarize in the table below with the corresponding number of industry responses and cost per response. These costs pertain to industry applicants and include application costs for items such as equipment, copying, laboratory analyzes, and travel to the mine site and other locations for data collection.

The estimated total cost to all respondents and sections is \$791,900, a reduction of \$256,603 from the current approved cost of \$1,048,503.

Summary Non-Labor Cost by Section					
SECTION	Responses	Cost per response	Total Cost Requested	Currently Approved Cost	Difference
780.11	100	\$75	7,500	9,975	-\$2,475
780.12	100	\$75	7,500	9,975	-\$2,475
780.13	100	\$150	15,000	19,950	-\$4,950
780.14	100	\$168	16,800	22,344	-\$5,544
780.16	100	\$168	16,800	22,344	-\$5,544
780.18	100	\$1,100	110,000	146,300	-\$36,300
780.21	100	\$200	20,000	26,600	-\$6,600
780.22	100	\$5,000	500,000	665,000	-\$165,000
780.23	100	\$100	10,000	13,300	-\$3,300
780.25	100	\$100	10,000	13,300	-\$3,300
780.27	20	\$25	500	675	-\$175
780.29	100	\$50	5,000	6,650	-\$1,650
780.31	100	\$400	40,000	53,200	-\$13,200
780.33	100	\$55	5,500	7,315	-\$1,815
780.35	33	\$600	19,800	21,600	-\$1,800
780.37	100	\$50	5,000	6,650	-\$1,650
780.38	100	\$25	2,500	3,325	-\$825
	TOTAL	\$8,341	791,900	1,048,503	-\$256,603

b. Operation, Maintenance and Services

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

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.*

Estimate of Annualized Cost to the Federal Government

OSMRE has calculated our employee costs using Federal employee pay tables from the Office of Personnel Management's website at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf. We have included a 1.6 multiplier for benefits as discussed in the BLS news release USDL-21-04371. The cost to the Federal Government is based on an average wage rate (GS 13/5 regulatory program specialist) of \$50.04 per hour, or \$80.06 per hour with benefits (including a 1.6 multiplier for benefits).

Oversight: OSMRE believes that we will conduct an oversight reviews for all sections, but hours will vary (from 4 to 100 hours) depending on the technical complexity. In total burden hours of oversight review will reach 694 hour per year.

Federal Programs: We anticipate we will receive approximately 1 application for new permits where OSMRE is the regulatory authority. The amount of time required will vary by section (from 2.5 hours for 780.12 to 20 hours for 780.18). In total this will amount to 150 hours per year for federal program hours.

Total annual Federal hours are estimated to reach 844 (694 + 150). Annualized cost to the Federal government is estimated at **\$67,571** (844 hours x \$80.06/hour).

Summary of Estimated Annualized Cost to Federal Government				
Section	Federal Oversight Hours	Federal Program Hours	Total Hours	Total Cost @\$80.06/hour
780.11	4	3	7	\$560
780.12	6	2.5	9	\$681
780.13	60	4.5	65	\$5,164
780.14	40	8.75	49	\$3,903
780.16	60	12	72	\$5,764
780.18	8	2	10	\$801
780.21	12	20	32	\$2,562
780.22	12	20	32	\$2,562
780.23	60	8	68	\$5,444
780.25	18	20	38	\$3,042
780.27	10	4	14	\$1,121
780.29	24	5	29	\$2,322
780.31	80	4	84	\$6,725
780.33	40	3	43	\$3,443
780.35	100	18	118	\$9,447
780.37	80	10	90	\$7,205
780.38	80	5	85	\$6,805
Total	694	150	844	\$67,571

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

We are requesting 96,158 burden hours, a decrease of 21,573 hours. Although hours per response were revised up in three sections this was offset by the annual decline in application from 133 to 100.

117,731 hours currently approved by OMB
 - 21,573 hours due to an adjustment
 96,158 hours

Non-wage cost decreased from \$1,048,503 to \$791,900 a decrease of \$256,603, from fewer responses in the decline of annual permit applications.

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.*

OSMRE has no plans to publish the information.

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.*

The OMB approval number is displayed in 30 CFR 780.10.

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

There are no exceptions to the certification.