

**Supporting Statement A**  
**30 CFR 785 – Requirements for Permits for Special Categories of Mining**

**OMB Control Number 1029-xxx5**

Terms of Clearance: None

**General Instructions**

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

**Introduction**

The Office of Surface Mining Reclamation and Enforcement (we or OSM) is submitting this request to revise its collection of information for 30 CFR 785 - Requirements for Permits for Special Categories of Mining. As part of the stream protection rulemaking, OSM is proposing to modify the collection requirements in 30 CFR 785.14 and 785.16.

This proposed rule will seek public comments on the burden estimates we have identified, the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, and reported.

The information collection for this part was previously approved by the Office of Management and Budget (OMB) and assigned clearance number 1029-0040. However, OSMRE is requesting a new information collection number pending approval of the information collection for the final rulemaking.

**Specific Instructions**

**Justification**

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

Section 201(c)(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, and authorizes collection of the information required by 30 CFR Part 785 that is not expressly required under sections 515, 516 and 711 of the Act. The following sections of the Act authorize the special permitting requirements:

- Section 711 of SMCRA authorizes the collection for §785.13 and experimental practices;
- Section 515 of SMCRA authorizes the collection for §785.14 and mountaintop removal;
- Section 515 of SMCRA authorize the collections for §§785.15 and .16, steep slope mining and a variance from approximate original contour (AOC);
- Sections 507, 508, 510, and 701 of SMCRA authorize the collection for §785.17 and prime farmland;
- Section 515 of SMCRA authorizes the collection for §785.18 and a variance from contemporaneous reclamation when combining surface and underground mining;
- Sections 510 and 515 of SMCRA authorize the collection for §785.19 and alluvial valley floors (AVF);
- Section 515 of SMCRA authorizes the collection for §785.20 and auger mining;
- Sections 102, 201, 505, 515, and 701 of SMCRA authorize the collection for §785.22 and in situ processing; and
- Sections 102, 201, 415, 505, 515, and 701 of SMCRA authorize the collection for §785.25 and remining.

With regard to mountaintop removal operations we propose in the stream protection rule to remove the clause limiting the scope of the prohibition against damage to watercourses below the lowest coal seam to be mined because that clause does not appear in the underlying statutory provision. Specifically, section 515(c)(4)(D) of SMCRA provides that “no damage will be done to natural watercourses.”

We are proposing additional requirements for mountaintop removal operations that are intended to ensure that the proposed operation is designed to prevent material damage to the hydrologic balance outside the permit area, as required by 30 CFR 773.15(e) and section 510(b)(3) of SMCRA.

We are proposing additional requirements that would be consistent with section 515(b) (24) of SMCRA, which provides that surface coal mining and reclamation operations must minimize disturbances to and adverse impact on fish, wildlife, and related environmental values and enhance those resources where practicable.

We are proposing language that would eliminate the inconsistency between regulations in the existing rules by retaining only the version that is most consistent with the underlying statutory provision in section 515(c)(6) and 515(e)(6) of SMCRA.

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 785.13 requires that a permit application include information for conducting experimental coal mining and reclamation practices. OSM and state regulatory authorities

use the information collected under 30 CFR 785.13 to: (1) ensure the protection of the environment and public health and safety during and after the experimental practice granted under section 711 of SMCRA; (2) promote advances in mining technology and alternative reclamation practices; (3) allow alternative postmining land uses; and (4) effectively monitor the progress of such experimental practices.

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

The stream protection rule will add new hydrologic and revegetation demonstration requirements to mountaintop removal mining and reclamation permit applications and protections for natural watercourses. In order for the state regulatory authorities to approve a request for a variance from the requirement to restore the land to the approximate original contour, the applicant must demonstrate that the operation will not damage natural watercourses within the proposed permit and adjacent areas (water courses directly beneath excess spoil would be exempted). In addition, the applicant must demonstrate that the proposed operations will not result in any increase in the discharges of parameters of concern into surface water or groundwater at levels above what would occur if the operation were returned to AOC; demonstrate that the proposed operation will not increase peak flow discharges above that which would occur if the area were restored to AOC; and demonstrate that the total volume of flow from the proposed operations will not adversely affect the existing or approved uses of surface water and groundwater or any Clean Water Act (CWA)-designated use of surface waters. For any mountaintop removal operations that were previously forested or would have been due to natural succession, the vegetation plan must provide for restoration of native trees and shrubs as expeditiously as possible to the extent it is consistent with the approved postmining land use. In addition the proposed rule would require that the bond posted for the permit include an amount equal to the cost of regrading the site to its approximate original contour and revegetating the regraded land in the event that the approved postmining land use is not implemented before expiration of the revegetation responsibility period.

Section 785.15 requires that a permit application include the information for conducting steep slope mining and reclamation operations in accordance with the requirements of

backfilling and grading for surface and underground mining on steep slopes. OSM and state regulatory authorities use the information collected to: (1) ensure compliance with the requirements of 30 CFR 816.107; (2) ensure that any disturbance of land above the highwall is limited to that necessary to facilitate compliance with the environmental protection standards of section 515 of the Act; (3) evaluate the design to make sure that an excessive area above the highwall is not disturbed; (4) ensure that the backfilled area will remain stable and not be subject to excessive erosion if woody materials are allowed to be placed in the backfill area; and (5) determine that the plan for the reclaimed area is properly designed and does not present an environmental and public safety hazard.

Section 785.16 requires that a permit applicant include information to support the application for an AOC variance on steep slope operations. The stream protection rule will add new demonstration and certification requirements for steep slope variances from AOC. A new provision requires that a variance request cannot contain any proposal to place fill into an intermittent or perennial stream. The stream protection rule will also require a demonstration by the applicant and finding by the state regulatory authorities that operations will result in an improvement of the watershed within the permit and adjacent areas when compared to premining conditions or conditions that would have occurred if the lands were restored to AOC. A finding of improvement can only be made if the proposed operations will result in a reduction in the discharges of parameters of concern into surface water or groundwater; a reduction in the size or frequency of peak flow discharges with a resultant diminished flood hazard; the total volume of flow from the proposed operations will not adversely affect the existing or approved uses of surface water and groundwater or any CWA designated use of surface waters; and the proposed operation will result in a lesser impact to the aquatic ecology, including intermittent and perennial streams, within the proposed permit, adjacent areas and cumulative impact area.

In addition the proposed rule would require a demonstration that the proposed deviations from the premining surface configuration are necessary and appropriate to achieve the approved postmining land use. The intent of this provision is to ensure that variances are granted only for the area necessary to accommodate legitimate postmining land use needs.

For areas within the proposed variance request that were previously forested the vegetation plan must provide for restoration of native trees and shrubs as expeditiously as possible to the extent it is consistent with the approved postmining land use. In order to ensure that the proposed postmining land use is actually implemented before the termination of the period of extended responsibility for revegetation the rule will require that the applicant post a bond in sufficient amounts to return the area to AOC. Should the applicant fail to achieve the approved postmining land use, and subsequently fail to complete the required reclamation, the state regulatory authority would have sufficient financial resources to regrade and revegetate the variance area to the approximate original contour.

Section 785.17 requires that the permit applicant report the results of a reconnaissance inspection to determine if prime farmland exists. Where prime farmland soils have been located, a plan for soil reconstruction, replacement, and stabilization must be prepared.

This prime farmland soil reclamation plan will be used as the basis to establish proof of technological capability to restore the prime farmland soil horizons in the soil profile. Also other scientific data must be presented to establish that the method of soil reconstruction will result in equivalent or higher levels of yield. Section 785.17(d) requires the regulatory authority to consult with the Department of Agriculture before issuing any permit that contains prime farmland soils. This review is to assist the regulatory authority in evaluating the adequacy of the proposed prime farmland soil reclamation plan so that restoration of equal or higher levels of productivity is achieved.

Section 785.18 requires that if a permit applicant conducts combined surface and underground mining activities where a variance is requested from the contemporaneous reclamation requirements of 30 CFR 816.100, then a permit applicant is required to file with the regulatory authority: (1) specific plans for the proposed underground mining operations showing that the operations are necessary or desirable to assure maximum practical recovery of mineral resources; (2) the permits necessary for underground mining operations; (3) plans showing how the mining and reclamation activities will comply with 30 CFR 816.79; (4) plans demonstrating how disturbances of surface lands or waters will be avoided; and (5) evidence that the areas proposed for variance are necessary for the implementation of proposed underground mining operations. The operator is also required to show that no substantial environmental damage, either on-site or off-site, will result from delay in the completion of reclamation. OSM and state regulatory authorities use the information to ensure that persons who intend to seek variances for delay in contemporaneous reclamation requirements meet the statutory requirements of section 515(b)(16).

Section 785.19 requires that a permit applicant who proposes to conduct surface coal mining and reclamation operations within an alluvial valley floor (AVF) in the arid and semiarid regions, may request the regulatory authority to determine the presence or absence of an alluvial floor by submitting available data and/or field studies, as an initial step in the application permit process. OSM and state regulatory authorities use the information collected to: (1) evaluate that persons who conduct surface coal mining and reclamation operations on areas or adjacent to areas including alluvial valley floors in the arid and semiarid areas west of the 100th meridian meet the statutory requirements of sections 515(b)(10)(F) and 510(b)(5)(A) of the Act; and (2) make a determination as to the extent of any alluvial valley floors within the area.

Section 785.20 requires that a permit applicant who conducts surface coal mining and reclamation operations utilizing auger mining methods, submit a separate description as part of the mining and reclamation plan detailing the auger mining methods to be used and the measures to be used to comply with 30 CFR 819. OSM and state regulatory authorities use the information collected to ensure that the proposed auger mining and reclamation operations are planned and will be conducted to minimize disturbances to facilities, structure and the hydrologic balance and to assure maximum recovery of coal resources. Moreover, the information will assure the regulatory authority that no hazard is created to the environment, public health, or safety.

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

Section 785.22 requires that a permit applicant who conducts underground coal mining and reclamation operations utilizing in situ processing activities, submit a permit application that includes: (1) a delineation of proposed holes and wells and production zones; (2) specifications of drill holes and casings proposed to be used; (3) a plan for treatment of acid-forming gases, solids or liquids; and (4) plans for monitoring surface and ground water and air quality. OSM and state regulatory authorities use the information collected to ensure that the in situ processing activities are conducted in a manner that preserves and enhances environmental values, including air and water quality in accordance with the Act. Moreover, the information will assure the regulatory authority that the permit applicant would monitor the quantity and quality of surface and ground water in compliance with 30 CFR parts 817 and 828 and approved by the regulatory authority.

Section 785.25 requires that a permit applicant who conducts surface coal mining on lands eligible for re-mining, submit a permit application which identifies potential environmental and safety problems related to prior mining activity at the site and that could reasonably be anticipated to occur. The applicant must also describe the mitigative measures for those environmental and safety problems that will be taken to ensure that the applicable reclamation requirements of the regulatory program can be met. OSM and state regulatory authorities use the information to issue a permit to an applicant meeting certain conditions.

We anticipate that adoption of this rule will affect only surface coal mining operations in Federal program states and on Indian lands for the first three years following adoption because of the time required for states with primacy to amend their regulatory programs to incorporate counterparts to this rule. States will need to prepare the amendments to their regulatory programs in accordance with state law and submit the amendments to OSM for review and approval before they can take effect.

The proposed revisions would not affect all sections of 30 CFR Part 785, but we are

including a discussion of all burdens associated with this part to allow for a more thorough examination of the supporting statement and improved clarity for commenters.

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.***

Most of the information collected for 30 CFR Part 785 is compatible with the use of electronic media for submission, analysis, and transmission. Most regulatory authorities have the capability of receiving and analyzing permit applications electronically. The states with the greatest number of permit applications, such as Kentucky and Virginia, receive almost 100% of their permit applications electronically. Nationally, OSM estimates that the state regulatory authorities receive approximately 75% of permit applications electronically.

The vast majority (99%) of applications for new permits are received by primacy states, which means that OSM does not have the authority to require electronic submission. We can only recommend that primacy states use electronic methods to improve efficiency and reduce costs.

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

5. ***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 ensure compliance with the provisions of SMCRA concerning protection of public health and safety, water quantity and quality, and fish and wildlife habitat. Therefore, the 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 is collected only at the time an application is made; therefore, frequency of collection does not apply here. Failure to collect the information requested for 30 CFR Part 785 would impair the ability of OSM and state regulatory authorities to ensure that respondents are conducting special categories of coal mining and reclamation operations in a manner that preserves and enhances environmental values in accordance with the Act.

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.***

The information collection requirements of 30 CFR Part 785 are consistent with 5 CFR 1320(d)(2).

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.***

A team of experts from OSM's regional and field offices reviewed the proposed revisions to the. We developed burden estimates and costs as a result of this review and have incorporated them into this collection request.

We anticipate publishing the proposed rule in the Federal Register; the proposed rule will seek 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 will give the public 60 days in which to comment.

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

Not applicable. OSM and state regulatory authorities provide no payments or gifts to respondents.

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

No confidential information is solicited or required under these information collection requirements. If an applicant identifies information it wants to remain confidential, regulatory authorities rely upon the regulatory provisions at 30 CFR 773.6(d) or their state counterparts to ensure confidentiality of qualified information.

**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.***

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

**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

Potential respondents include surface coal mine operators and state regulatory authorities. The burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are required to obtain a benefit. We are providing burden estimates to demonstrate program changes due to the proposed Stream Protection rule where we are adjusting burden on respondents. This table does not demonstrate burden changes where we are moving burden between sections or between parts where the burden to comply with the rule will not change for respondents. Refer to the tables for a breakdown of the burdens.

<b>30 CFR 785 Section</b>	<b>Type of Respondent</b>	<b>Average No. of Annual Responses</b>	<b>Hour Burden per Response</b>	<b>Annual Burden Hours</b>	<b>Change in Burden due to Rule</b>
785.13 Experimental practices	Operators	1	1,000	1,000	0
	State regulatory authorities	1	80	80	0
785.14 Mountaintop removal	Operators	2	350	700	200
	State regulatory authorities	2	440	880	40
785.15 Steep slope	Operators	17	140	2,380	0
	State regulatory authorities	17	35	595	0
785.16 Approximate original contour	Operators	2	110	220	200
	State regulatory authorities	2	60	120	40
785.17 Prime farmlands	Operators	9	70	630	0
	State regulatory authorities	9	13	117	0
785.18 Variance from contemporaneous	Operators	23	60	1,380	0
	State regulatory	23	30	690	0

reclamation	authorities				
785.19 Alluvial valley floors	Operators	2	300	600	0
	State regulatory authorities	2	7	14	0
785.20 Auger mining	Operators	82	25	2,050	0
	State regulatory authorities	82	30	2,460	0
785.22 In situ processing	Operators	1	40	40	0
	State regulatory authorities	1	24	24	0
785.25 Remining	Operators	50	70	3,500	0
	State regulatory authorities	50	24	1,200	0
<b>Total Hour Burden by Respondent</b>	Operators			12,500	400
	State regulatory authorities			6,180	80
<b>Total Hour Burden</b>				<b>0</b>	<b>0</b>

b. Estimated Wage Cost to Respondents

OSMRE has estimated wage costs for respondents: industry and state regulatory employees. OSMRE has derived these wages from the Bureau of Labor Statistics (BLS) websites at ([http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm) for industry wages, and [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm) for state employees (both updated May 2013). Benefits have been calculated using a rate of 1.4 of the salary for industry personnel and 1.5 for State employees per the BLS news release USDL-15-0386, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—DECEMBER 2014, dated March 11, 2015 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

**Industry Wage Cost**

Position	Cost Per Hour (\$)	Hourly Rate with Benefits (x 1.4) (\$)	Percent of time spent on collection	Weighted Average per hour
Administrative Support	18.79	26.31	10%	\$2.63
Physical Scientist	39.20	54.88	40%	\$21.95
Engineer (General)	41.99	58.79	40%	\$23.52
Operations Manager	58.31	81.63	10%	\$8.16

Total			100%	0
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Therefore, the estimated total annual additional wage cost for industry respondents to implement the provisions of the Stream Protection Rule for part 785 is \$56.26 per hour x 400 hours = \$22,504.

### State Wage Cost

Position	Cost Per Hour (\$)	Hourly Rate with Benefits (x 1.5) (\$)	Percent of time spent on collection	Weighted Average per hour
Administrative Support	17.61	26.31	10%	\$2.63
Environmental Scientist	29.53	44.30	40%	\$17.72
Engineer (General)	37.95	56.93	40%	\$22.77
Operations Manager	44.47	66.71	10%	\$6.67
Total			100%	0

Therefore, the estimated total annual additional wage cost for state respondents to implement the provisions of the Stream Protection Rule for part 785 is \$49.79 per hour x 80 hours = \$3,983.

Therefore, the estimated total annual additional wage cost for all respondents for the Stream Protection Rule is \$26,487.

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. Annualized Capital and Start-up Costs

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

b. Operation and Maintenance Costs

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

14. *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.*

The total hourly burden to the Federal government is as follows:

SECTION	OVERSIGHT BURDEN HOURS (in 4 States)	FEDERAL PROGRAM			TOTAL HOURS
		Responses	Hour Burden	Total Burden Hours	
785.13	80	0	0	0	80
785.14	91	0	0	0	91
785.15	75	0	0	0	75
785.16	48	0	0	0	48
785.17	40	0	0	0	40
785.18	12	0	0	0	12
785.19	40	0	0	0	40

785.20	24	0	0	0	24
785.22	16	0	0	0	16
785.25	50	0	0	0	50
TOTALS	0	0	0	0	0

Based on the U.S. Office of Personnel Management Salary Table 2014-RUS located at, <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/general-schedule/rest-of-us-hourlyovertime-rates-by-grade-and-step/>, the annual average salary used to estimate the wage cost to the Federal Government is \$43.56 per hour for a GS 13 step 4 technician. Incorporating benefits using a 1.5 multiplier from the ratio between wages and benefits derived using OSM’s Financial and Business Management System, the hourly wage cost to the Federal Government is \$65 per hour. A multiplier of 1.5 [as implied by BLS new release USDL-14-1075, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—MARCH 2014 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)] was added for benefits.

Oversight. Due to the promulgation of the Stream Protection rule, we anticipate conducting an oversight review of state compliance with 785 in 4 of the 24 states. A GS-12/10 Reclamation specialist will conduct the oversight reviews, costing \$65 per hour. Wage costs are based on U.S. Office of Personnel Management Salary Table 2014-RUS located at [http://www.opm.gov/oca/10tables/html/RUS\\_h.asp](http://www.opm.gov/oca/10tables/html/RUS_h.asp). A multiplier of 1.5 was added for benefits.

At \$65 per hour x 476 hours to conduct oversight = \$30,940.

Federal Programs. We anticipate requiring 0 hours to review the unique portions of the special categories of mining applications which we receive in Federal program states. The wage costs are as follows:

At an average cost of \$65 an hour, OSMRE’s cost in Federal program states would be estimated at \$0 (0 hours x \$65/per hour = \$0).

The total cost to the Federal government is \$30,940.

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

This information collection request will increase the burden due to the proposed Stream Protection Rule. The burden change is demonstrated below:

	18,820	hours currently approved
-	620	hours due to change in use
+	<u>480</u>	hours as program changes
	18,680	hours requested

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.*

Not applicable. 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.*

Not applicable.

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

Not applicable. There are no exceptions to OMB's *Certification for Paperwork Reduction Act Submissions*.