

**Supporting Statement A**  
**30 CFR Part 785 – Requirements for Permits for Special Categories of Mining**  
**OMB Control Number 1029-0040**

Terms of Clearance: None

**General Instructions**

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

**Specific Instructions**

**Justification**

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

Section 785.13 requires that a permit application include information for conducting experimental coal mining and reclamation practices, including a description of the performance standards for which variances or departures are requested, the duration of the experimental practice and any special monitoring mechanisms that will be implemented. Section 711 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) provides departure on an individual experimental or research basis from the environmental protection standards under sections 515 and 516 in SMCRA and subchapter K of SMCRA regulations. The objective of such departures is to encourage advances in mining technology and alternative reclamation practices or to allow alternative postmining land use for industrial, commercial, residential, or public use (including recreational facilities). Experimental practices may be undertaken if they are approved by the State Regulatory Authority (SRA) or the Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE), with the approval of the Secretary. The SRA or the Director may require additional information as they feel necessary or may request reasonable modifications of the experimental practice as are necessary to ensure that the activities fully protect the environment and the public health and safety.

Section 785.14, authorized by section 515(c) of the Act, requires that a permit application include the information for conducting mountaintop removal mining and reclamation operations after consulting with the appropriate land-use planning agencies, engineers, and consultants. Section 201(c)(2) of SMCRA, which provides that the Secretary shall promulgate such regulations as are necessary to carry out the purposes and provisions of the Act, authorizes

collection of the information required by §785.14 that is not expressly required under section 515(c) of the Act. Collection of this information is necessary to ensure adherence to and enforce the requirements for mountaintop removal mining and reclamation activities under section 515(c) of the Act, as well as to determine whether a permit is granted without regard to the requirement to restore to approximate original contour (AOC).

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 §816.107 (backfilling and grading for surface mining on steep slope) and §817.107 (backfilling and grading for underground mining on steep slope). Section 515(d) of the Act provides that a regulatory authority may grant a permit for a steep slope mining if the permit applicant adheres, in addition to the general performance standards under section 515 of the Act.

Section 785.16 provides that a regulatory authority may issue a permit for surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their AOC on steep slope operations. Section 515 (d) and (e) of the Act provides that the regulatory authority may issue a permit for surface mining activities incorporating a variance from the requirement of AOC.

Section 785.17 provides that a regulatory authority may issue a permit for surface coal mining and reclamation operations on prime farmlands. The Act contains special permitting and performance standards governing mining on prime farmlands as defined in section 701(20). Section 508(a)(2)(C) requires permit applications to contain a statement of the productivity of the land prior to mining including the appropriate classification as prime farmlands. Furthermore, section 510(d)(1) provides that the regulatory authority shall grant a permit to mine on prime farmlands if it "finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards in section 515(b)(7).

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 §816.100, then a permit applicant is required to file specific information with the regulatory authority. Section 515(b)(16) of the Act requires that reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable.

Information collection for §785.19 is required to ensure compliance with section 510(b)(5)(A) of the Act, which requires that the proposed surface coal mining operation would not interrupt, discontinue, or preclude farming on alluvial valley floors if located west of the 100th meridian west longitude.

Section 785.20 requires that a permit applicant who conducts surface coal mining and reclamation operations utilizing auger mining methods, submit a permit application that includes information contained in a separate description as part of the mining and reclamation plan, the auger mining methods to be used and the measures to be used to comply with 30 CFR Part 819.

The statutory authority for this requirement is contained in section 515(b)(9) of the Act.

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 regulations, OSMRE 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. The statutory authority for this information collection requirement is contained in sections 102, 201, 505, and 701 of the Act.

Section 785.25 requires that a permit applicant who conducts surface coal mining on lands eligible for remining, submit a permit application with specific information as required by the Energy Policy Act of 1992 and the addition of section 415 to SMCRA made through the Tax Relief and Health Care Act of 2006. The statutory authority for this information collection requirement is contained in sections 102, 201, 415, 505, and 701 of the Act.

**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: OSMRE and SRAs use the information collected for §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: OSMRE and SRAs use the information collected for §785.14 to: (1) review information provided in the permit application regarding a variance from the 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.

Section 785.15: OSMRE and SRAs use the information collected for §785.15 to: (1) ensure compliance with the requirements of §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: OSMRE and SRAs use the information collected for §785.16 to: (1) evaluate the request for a variance from achieving AOC; (2) determine whether to approve or disapprove the land use variance for steep slope mining; (3) assess the progress and development of mining activities to ensure that the operator is proceeding in accordance with the terms of the variance; (4) determine whether the proposed plan for a postmining land use is compatible with state and local land use plans and programs; (5) determine the immediate and cumulative effect of stream losses due to valley fills and watershed vegetational alterations to aquatic ecosystems; (6) identify flooding potential sources as a result of mountaintop mining; and (7) ensure that the postmining land use plan is fully in compliance with the provisions of the Act.

Section 785.17: This section requires that the operator report the results of a reconnaissance inspection to determine if prime farmland exists. The details and adequacy of the reconnaissance inspection is to be determined by the regulatory authority in consultation with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS). Section 785.17(c) requires that, 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 NRCS before issuing any permit that contain 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: OSMRE and SRAs use the information collected for §785.18 to ensure that persons who intend to seek variances for delay in contemporaneous reclamation requirements for combined surface and underground mining activities meet the statutory requirements of section 515(b)(16), and make a determination as to whether a variance from the contemporaneous

reclamation can be granted. In addition, this information will be used to monitor and inspect surface and underground mining activities to ensure that they are conducted in a manner that preserves and enhances environmental and other values cited in the Act

Section 785.19: OSMRE and SRAs use the information collected for §785.19 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. The regulatory authority determines whether an alluvial valley floor exists by reviewing available data and field studies that include detailed geologic, hydrologic, land use, soils, and vegetation data. The regulatory authority may also request additional data collection and analysis or other supporting documents, maps and illustrations in order to make such a determination. In addition, the information collected for §785.19 is used to ensure that the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country are preserved throughout the mining and reclamation process and the proposed surface coal mining operation would not interrupt, or preclude farming on alluvial valley floors that are irrigated or sub-irrigated.

Section 785.20: OSMRE and SRAs use the information collected for §785.20 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 785.22: OSMRE and SRAs use the information collected for §785.22 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: Section 785.25(a) and (b) require that a permit applicant who conducts surface coal mining on lands eligible for re-mining, submit a permit application that includes all the information required under the current laws and regulations that are applicable to surface coal mining and reclamation operations. The information required in §785.25(a) and (b) is necessary to allow states to issue permits to applicants with unabated violations in compliance with §773.13. The information required by §785.25(a) and (b) will assist states in making the determination that unabated violations were the result of unanticipated events or conditions and allow them to issue a re-mining permit to an applicant with an unabated violation meeting those conditions.

**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.***

OSMRE continues to work with SRAs and coal companies to develop procedures for the preparation and processing of permit applications electronically. Progress has been made in most states to increase the use of electronic and information technology to improve efficiency and reduce the time and cost burden to permit applicants and SRAs. Nationally, OSMRE estimates that the SRAs are making progress in electronic permitting, receiving 75% of permit applications electronically.

- 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 document the permit to conduct special categories of coal mining and reclamation operations. Adequate documentation of this permit is essential to ensure protection of public health and safety, water quantity and quality, alluvial valley floors, prime farm lands, wild life and habitat, while encouraging maximizing the production or recovery of coal reserves and minimizing the environmental disturbances around the coal mining site.

- 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 OSMRE and SRAs 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.*

No collection of information for 30 CFR Part 785 is inconsistent with the guidelines in 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting document.

- 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.*

In 2017, OSMRE contacted several respondents who had experience in preparing applications for the various special categories of mining. Respondents provided estimates of the reporting burden for each section within part 785, which were used to determine an average burden, along with information from OSMRE field office personnel who are closely involved with the

oversight of the application approval process for special categories of mining. None of the respondents contacted expressed any particular concerns with the reporting requirements for this Part.

A review of Table 3 of the Annual Evaluation Reports submitted by the states/tribes for the past three years (Evaluation Years 2014 through 2016), revealed that a total of 250 permits were issued for the various special categories of mining for the combined three years. The decrease in the number of these types of special category mining applications from the previous update likely reflects a similar decrease in the number of new permits for all mining issued in the same 3-year period. It should be noted that some applications span multiple years and may have been reported across multiple years, resulting in an inflated total. It is apparent that the applications are predominantly submitted and issued in the Appalachian Region, as shown below:

- Appalachian Region ---- 202 applications or 81% of the total
- Mid-Continent Region -- 48 applications or 19% of the total
- Western Region ----- 0 applications

In the absence of applications issued in the Western Region over the prior 3 years, we did not contact a state regulatory authority or operator from a western state. The respondents that we did contact are listed below:

Indiana Department of Natural Resources  
Division of Reclamation  
14619 W State Road  
Jasonville, IN 47438

Alabama Surface Mining Commission  
1811 Second Avenue, 2nd Floor  
P.O. Box 2390  
Jasper, AL 35502

Reclamation Program Manager  
Virginia Department of Mines, Minerals & Energy  
3405 Mountain Empire Rd  
Big Stone Gap, VA 24219

Peabody Midwest Mining  
701 Market St., Suite 800  
St. Louis, MO 63101

McGehee Engineering Corporation  
450 19<sup>th</sup> St., W.  
Jasper, AL 35501

We also contacted an OSMRE employee to determine burden estimates by Federal government



employees where they are acting as the regulatory authority for a particular state or tribe:

OSMRE Knoxville Field Office  
710 Locust St.  
Knoxville, TN 37902

On November 20, 2017, OSMRE published a notice in the Federal Register (82 FR 55113), which provided 60 days for the public to comment on the information collection requirements of this part. OSMRE did not receive any comments regarding the information collection activities of this part.

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

OSMRE and SRAs 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.**

30 CFR 773.13(d)(3) requires that each permit application must be available for public inspection. However, the applicant has the right to request confidentiality for information in the application, such as analysis of the chemical and physical properties of the coal to be mined, and the nature and location of archeological resources on public land and Indian land. Sections 507(b)(17), 508(a)(12), and 508(b) of SMCRA require that certain types of permit application information be kept confidential. The Archeological Resources Protection Act of 1979, 16 U.S.C. 470, requires that information on the nature and location of archaeological resources be kept confidential.

**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.**

There are no questions of a sensitive nature 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. Instead, this cost should be included under “Annual Cost to Federal Government.”*

The total number of respondents was derived from OSMRE’s annual reports for evaluation years 2014 through 2016. Burden hour estimates were derived from discussions with respondents identified in item 8.

a. Burden Hour Estimates for Respondents

The following table summarizes the information collection requirements and changes to the current collection burden for 30 CFR part 785.

**INFORMATION COLLECTION SUMMARY FOR 30 CFR PART 785**

| Section      | Number of Applicant Responses | Hours Per Applicant | Total Hours Per Applicant | Number of State Responses | Hours per State | Total Hours Per State | Total Hours Requested | Current ICB Hours | Changes To ICB |
|--------------|-------------------------------|---------------------|---------------------------|---------------------------|-----------------|-----------------------|-----------------------|-------------------|----------------|
| 785.13       | 1                             | 1,000               | 1,000                     | 1                         | 80              | 80                    | 1,080                 | 1,080             | 0              |
| 785.14       | 1                             | 250                 | 250                       | 1                         | 420             | 420                   | 670                   | 2,010             | -1,340         |
| 785.15       | 5                             | 140                 | 700                       | 5                         | 35              | 175                   | 875                   | 2,975             | -2,100         |
| 785.16       | 1                             | 10                  | 10                        | 1                         | 40              | 40                    | 50                    | 50                | 0              |
| 785.17       | 4                             | 70                  | 280                       | 4                         | 13              | 52                    | 332                   | 747               | -415           |
| 785.18       | 8                             | 60                  | 480                       | 8                         | 30              | 240                   | 720                   | 2,070             | 1,350          |
| 785.19       | 1                             | 300                 | 300                       | 1                         | 7               | 7                     | 307                   | 614               | -307           |
| 785.20       | 20                            | 25                  | 500                       | 20                        | 30              | 600                   | 1,100                 | 4,510             | -3,410         |
| 785.22       | 1                             | 40                  | 40                        | 1                         | 24              | 24                    | 64                    | 64                | 0              |
| 785.25       | 9                             | 70                  | 630                       | 9                         | 24              | 216                   | 846                   | 4,700             | -3,854         |
| <b>TOTAL</b> | 51                            |                     | 0                         | 51                        |                 | 0                     | 6,044                 | 0                 | 012,776        |

b. Estimated Annual Wage Cost to Respondents

OSMRE has estimated wage costs for respondents working in industry and those working as 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 employee wages. Benefits are included in these wage calculations using a rate of 1.4 of the salary for industry personnel and 1.6 for state employees per the BLS news release USDL-17-1222, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—JUNE 2017, dated September 8, 2017 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

Industry reported that their permit application staff consisted of a combination of mining engineers, civil engineers, hydrologists, engineering technicians, operations managers, and administrative support. The exact combination of disciplines varies by company and/or preparer. For simplicity, we will assume that the salary of a mining engineer represents an average approximation of the various scientific disciplines for industry.

Industry Wage Cost

| Position               | Hourly Rate with Benefits (x 1.4) | Percent of time spent on collection | Weighted Average per hour |
|------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Administrative Support | \$23.21                           | 10%                                 | \$2.32                    |
| Mining Engineer        | \$59.40                           | 85%                                 | \$50.49                   |
| Operations Manager     | \$97.68                           | 5%                                  | \$4.88                    |
| Total                  |                                   | 100%                                | 0                         |

At an average cost of \$57.69 per hour, the estimated total annual cost for industry respondents is 4,190 hours x \$57.69 = \$241,721.

State regulatory authorities reported that their review staff consisted of a combination of mining engineers, civil engineers, engineering technicians, and hydrologists. The exact combination of disciplines varies by regulatory authority. For simplicity, we will assume that the salary of a mining engineer represents an average approximation of the various disciplines of the state review team.

It takes 1,854 hours for state regulatory authorities to review and prepare findings required by this part. We estimate that the wage cost is \$74.69 per hour including benefits at a ratio of 1.6 of salary. Therefore, the estimated total annual wage cost for state regulatory authorities for part 785 is \$74.69 per hour x 1,854 hours = \$138,475.

Therefore, we estimate that the total annual wage cost for all respondents will be \$241,721 for industry + \$138,475 for state regulatory authorities = \$380,196.

**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. Total 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. Total Operation and Maintenance and Purchase of Services 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.***

Wage costs for OSMRE employees are calculated based on the Office of Personnel Management website, [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/RUS_h.aspx). Salaries for Federal employees in this section include a benefits rate of 1.6 per the BLS news release USDL-17-1222, dated September 8, 2017 (<http://www.bls.gov/news.release/pdf/ecec.pdf>). Typically, a GS-13/1 regulatory program specialist/mining engineer will review each application at a cost of \$66.01 per hour including benefits.

SUMMARY OF FEDERAL BURDEN AND COSTS

| SECTION       | OVERSIGHT<br>STAFF HOURS<br>(in 1 State) | FEDERAL PROGRAM |             |                      | TOTAL<br>STAFF<br>HOURS | TOTAL FEDERAL<br>WAGE COSTS (\$) |
|---------------|--|-----------------|-------------|----------------------|-------------------------|----------------------------------|
|               |  | Responses       | Staff Hours | Total Staff<br>Hours |                         |                                  |
| 785.13        | 80                                       | 1               | 52          | 52                   | 132                     | 8,714                            |
| 785.14        | 75                                       | 0               | 0           | 0                    | 75                      | 4,951                            |
| 785.15        | 75                                       | 0               | 0           | 0                    | 75                      | 4,951                            |
| 785.16        | 40                                       | 0               | 0           | 0                    | 40                      | 2,640                            |
| 785.17        | 40                                       | 0               | 0           | 0                    | 40                      | 2,640                            |
| 785.18        | 12                                       | 0               | 0           | 0                    | 12                      | 792                              |
| 785.19        | 40                                       | 0               | 0           | 0                    | 40                      | 2,640                            |
| 785.20        | 24                                       | 0               | 0           | 0                    | 24                      | 1,584                            |
| 785.22        | 16                                       | 0               | 0           | 0                    | 16                      | 1,056                            |
| 785.25        | 50                                       | 0               | 0           | 0                    | 50                      | 3,301                            |
| <b>TOTALS</b> | 0  |                 |             | 0                    | 0                       | 0                                |

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

There are currently 18,820 hours approved for this information collection. We anticipate an adjustment that will decrease the burden by 12,776 hours due, primarily, to a decrease in the number of respondents. The burden will change as follows:

18,820 hours currently approved  
 - 12,776 hours due to an adjustment  
 6,044 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.**

OSMRE has no plans to publish the information collected.

- 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.***

OSMRE is not seeking a waiver from the requirement to display the expiration date of the OMB approval of the information collection.

- 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 statement identified in "Certification for Paperwork Reduction Act Submissions."