**Supporting Statement A**

**30 CFR 772 - Requirements for Coal Exploration**

**OMB Control Number 1029-0112**

**Terms of Clearance**: None

**Introduction**

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are submitting this information collection clearance package to request renewed authority to collect information and require retention of records for 30 CFR 772 - Requirements for Coal Exploration. The Office of Management and Budget (OMB) previously reviewed and approved collections of information and recordkeeping requirements for this part and assigned it control number 1029-0112.

**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.***The regulations at 30 CFR 772 implement section 512 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1262, by establishing notice and permitting requirements and procedures for coal exploration operations that do not involve Federally-owned coal. Sections 772.11, 772.12, 772.14, and 772.15 contain information collection or recordkeeping requirements.

Section 512(a) of SMCRA provides that each state or Federal regulatory program must include a requirement that a person intending to conduct coal exploration first file a notice of intent to explore with the regulatory authority. At a minimum, that notice must include a description of the exploration area and the period of planned exploration. The regulations at §772.11 include those provisions, as well as requirements for information identifying the person filing the notice, the person conducting the exploration, the method of exploration and the environmental protection and reclamation practices to be used.

 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 §772.11 that is not expressly required under section 512(a) of the Act. Collection of this information is necessary to ensure adherence to and enforce the reclamation requirements of section 512(a) of the Act, as well as to determine whether an exploration permit is required under section 512(d) 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 772.11:Section 512(a) of SMCRA provides that each state or Federal regulatory program must include a requirement that a person intending to conduct coal exploration first file a notice of intent to explore with the regulatory authority. At a minimum, that notice must include a description of the exploration area and the period of planned exploration. The regulations at §772.11 include those provisions, as well as requirements for information identifying the person filing the notice, the person conducting the exploration, the method of exploration and the environmental protection and reclamation practices to be used.

 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 §772.11 that is not expressly required under section 512(a) of the Act. Collection of this information is necessary to ensure adherence to and enforce the reclamation requirements of section 512(a) of the Act, as well as to determine whether an exploration permit is required under section 512(d) of the Act.

Section 772.12:Section 512(d) of SMCRA further provides that no person may remove more than 250 tons of coal pursuant to an exploration permit without the specific written approval of the regulatory authority. To implement these statutory provisions, the regulations at §772.12 require that any person planning to remove 250 or more tons of coal first obtain regulatory authority approval in the form of an exploration permit.

This type of exploration is much more likely to cause adverse environmental impacts than operations that remove fewer than 250 tons. Therefore, the regulations establish (1) more detailed information requirements for applications for coal exploration than those set forth in section 512(a) of the Act for notices of intent to explore, (2) newspaper notice requirements to encourage public involvement in the application review process, and (3) criteria and procedures for application approval and permit issuance, including a requirement that the regulatory authority prepare written findings and notify all interested parties of its decision.

Because of environmental concerns, the regulations also require an exploration permit (rather than a simple notice of intent) as a prerequisite for any type of coal exploration on lands designated as unsuitable for surface coal mining operations pursuant to section 522 of SMCRA. Applications for exploration on the lands listed in section 522(e) of SMCRA must include an explanation of how the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. In addition, the application must include documentation of consultation with the owner of and, when applicable, the agency with primary jurisdiction over, the feature that caused the land to come under the protection of section 522(e) of the Act. Finally, the rules require that the regulatory authority make a finding as to whether the coal exploration activities have been designed to minimize interference with the values for which the land was designated unsuitable for surface coal mining operations.

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 this information. We have determined that collection of the information required for §772.12, most of which is not specifically required by section 512 of SMCRA, is appropriate and necessary to fulfill the environmental protection and public participation purposes of the Act, as set forth in section 102 of SMCRA.

Section 772.14:OSMRE and State regulatory authorities under SMCRA use the information collected for §772.14 to prevent abuse of the coal exploration regulations and to ensure that disturbance of land and natural resources caused by activities conducted under exploration permits is limited to the amount necessary for legitimate exploration and testing purposes.

With certain exceptions, paragraph (a) of §772.14 prohibits the sale or commercial use of coal removed from a coal exploration permit unless the person first obtains a permit to conduct surface coal mining operations. Paragraph (b) of this section of the regulations provides an exception to this prohibition if, as part of the coal exploration permit application, the applicant submits adequate documentation that the coal is needed for testing purposes and the regulatory authority grants written authorization. We adopted these additional restrictions and coal exploration permit application requirements to eliminate situations in which persons were conducting surface coal mining operations under the guise of coal exploration. Coal exploration permits are easier and cheaper to obtain than surface mining permits, and performance bonds are not required. In addition, coal exploration operations are subject to less restrictive performance standards than surface coal mining operations. Hence, the potential to cause environmental harm is significantly greater under a coal exploration permit than it is under a permit for surface coal mining operations.

 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 this information. We have determined that collection of the information required for §772.14 is appropriate and necessary to fulfill the environmental protection purposes of the Act, as set forth in section 102 of SMCRA. Without these requirements, OSMRE and State regulatory authorities would find it much more difficult to restrict disturbance under exploration permits to the minimum needed for legitimate exploration purposes.

Section 772.15:Section 512(b) of SMCRA provides that information submitted to the regulatory authority as confidential shall not be available for public examination when it concerns trade secrets or privileged commercial or financial information relating to the competitive rights of the person or entity intending to conduct exploration. Consistent with section 102(i) of the Act, which states that one of the purposes of the Act is to ensure that appropriate procedures are provided for public participation, we have interpreted this provision as requiring that all other coal exploration information be made available to the public. Accordingly, paragraph (a) of the implementing regulations at §772.15 requires that all non-confidential information submitted to the regulatory authority under 30 CFR part 772 be made available for public inspection and copying at the regulatory authority office closest to the proposed exploration site. Paragraph (b) of §772.15 specifies that the regulatory authority must keep certain information confidential if the person so requests in writing at the time of submission.

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 the recordkeeping requirements of §772.15(a) and collection of the information (written requests for confidentiality) required by §772.15(b). Although section 512(b) of the Act does not expressly include these requirements, it does strongly imply them and, as noted above, section 102(i) of the Act provides additional justification for the recordkeeping requirements of §772.15(a). Furthermore, the regulatory authority would have difficulty implementing the confidentiality provisions of section 512(b) of the Act in the absence of the requirement in §772.15(b) that the person submitting the information request confidentiality and identify the information included in the request.

OSMRE and State regulatory authorities under SMCRA use the information collected under §772.15(b) to identify those portions of notices of intent to explore and exploration permit applications that must be kept confidential. The public uses the recordkeeping requirements of §772.15(a) to monitor and, in some cases, intervene in the coal exploration notice and permit application processes to ensure protection of the environment and private property.

***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.***

Use of automated methods to collect the information required for 30 CFR 772 continues to increase in recent years. Although some of the regulatory authorities are moving toward electronic receipt of information from constituents, their degree of sophistication in the area of e-data receipt/processing varies. However, the state regulatory authorities are generally more focused on developing their respective e-data receipt/processing capabilities with respect to the full permit application for surface coal mining and reclamation operations (rather than notices of intent). Notices of intent still cannot be filed electronically in most states. During the evaluation year, no more than 33% of the notices for intent to conduct coal exploration activities were filed electronically. This number will increase as the state regulatory authorities upgrade their e-data capabilities.

***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 in 30 CFR 772 is time-sensitive and unique to each site. Because it is collected infrequently (generally only once, at the time that a person submits a notice of intent to explore or an application for a coal exploration permit), duplication is minimal to nonexistent. Persons may cross-reference relevant materials that they previously submitted in a notice or application for a different site.

We are not aware of any other Federal agency that collects this information. OSMRE is the only Federal agency charged with implementation of section 512 of SMCRA for coal exploration involving non-Federal coal. To avoid any duplication for lands with federally-owned coal, 30 CFR 772.1 specifies that the requirements of 30 CFR 772 do not apply to exploration on those lands, which is instead regulated by the Bureau of Land Management (BLM). We also have entered into an agreement with BLM delineating each agency’s coal exploration duties to avoid overlap and conflict.

***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 (1) the location, extent and timing of any proposed disturbance or activity, and (2) the person’s ability to comply with applicable performance standards. Both of these items are required of all operations by section 512(a) of SMCRA.

***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.***Because the information requested in 30 CFR 772 is collected only once for each site, a reduction in the frequency of collection is not possible.

Furthermore, the Act specifically requires exploration notices and permits. Failure to collect the information required by §§772.11, 772.12, and 772.14 would severely impair the ability of OSMRE and the state regulatory authorities to ensure that coal exploration is conducted in accordance with the reclamation requirements of section 512(a) of the Act. In the absence of any notice, OSMRE and the state regulatory authorities would likely be unaware of many coal exploration operations.

***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 collection of information under 30 CFR 772 is consistent with the guidelines at 5 CFR 1320.5(d)(2) as summarized in the instructions for this item of the supporting statement.

***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.***Contacts were made with the following to obtain views on the information collection burden imposed by part 772 and the clarity of the regulations:

 Supervisor, Technical Group

 Office of Surface Mining Reclamation & Enforcement

 Knoxville Field Office

 710 Locust Street, 2nd Floor

 Knoxville, Tennessee 37902

Permitting Coordinator, Enforcement Division

 Department of Environmental Quality

 1520 East Sixth Avenue

 Helena, MT 59620

 West Virginia Department of Environmental Protection

 Division of Mining and Reclamation

 601 57th St.

 Charleston, WV 25304

Chief, Branch of Field Support
USDI/OSMRE/Charleston Field Office
1027 Virginia Street East
Charleston, WV 25301

 Comments received indicated there were no special concerns regarding regulations governing coal exploration notices and permits, nor did they find them unduly burdensome to comply with. State regulatory authorities reviewed current estimates of hourly burden and had no suggested changes from previous estimates. In developing estimates of hourly wage rates and unit costs for requirements such as legal ads and notification of interested parties, we relied upon both our experience and information supplied by these and previous respondents.

On January 15, 2021, OSMRE published in the Federal Register (86 FR 4124) 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.***

 OSMRE provides 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.***Section 512(b) of SMCRA and its implementing regulations at §772.15(b) require that OSMRE and state regulatory authorities keep certain types of information confidential. Specifically, persons submitting a notice of intent to explore or an application for coal exploration may request confidentiality for trade secrets or privileged commercial or financial information that relates to the competitive rights of the person who intends to conduct the exploration.

***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.”***a. Burden Hour Estimates for Respondents

 Our estimate (FY 2020) from 24 state regulatory authorities is 258 notices of intent to explore. We did not receive any notices where OSMRE is the regulatory authority and we do not anticipate receiving any notices in the next few years. The reduction of notices to explore from 288 in 2017 to 258 mirrors other permitting activity for the mining industry nationwide.

 According to the entities listed in item 8, preparation of a notice of intent to explore requires an average of 5 hours. Accordingly, the total annual information collection burden for persons filing notices of intent for §772.11 is an estimated 1,290 hours (258 notices x 5 hours per notice). From state-specific annual evaluations we still anticipate 2 applications for exploration permits which allow operators to remove more than 250 tons of coal per year.

According to the contacts listed in Item 8, development of an application for a coal exploration permit, including preparation of the newspaper notice required by §772.12(c), still requires an average of 70 hours. Accordingly, the total annual information collection burden for persons filing applications for coal exploration for §772.12 is an estimated **140** hours (2 applications x 70 hours per application). According to the state regulatory authorities listed in item 8, the previous burden estimates are still accurate for §772.12.

We estimate that preparation and mailing a decision notification letter requires an average of 30 minutes, with each application requiring an average of 10 decision notification letters (to the applicant, county/state/federal agencies, and commenters), or 5 hours per application. We also expect that the regulatory authority will typically e-mail 30 notifications to various entities, which will take 1 additional hour of time. Preparation and posting of a decision notice in a public office in the vicinity of the proposed operation requires an average of 2 additional hours per application. For §772.12, the total estimated time for the state regulatory authority to implement this section would be 53 hours (45 hours per review + 5 hours for decision notification letters + 1 hour for e-mail notifications + 2 hours to post the decision notice) per application. Therefore, we estimate that the annual burden to the state regulatory authorities for compliance with the information collection requirements of §772.12 will be **106 hours** (53 hours per permit applicant x 2 applications).

For all respondents, we estimate that the total annual information collection burden for §772.12 will be **246 hours** (140 hours for permit applicants + 106 hours for State regulatory authorities), which equates to an approximate burden of 123 hours for each application for a coal exploration permit (70 hours for permit applicants + 53 hours for regulatory authorities).

Although not recurring annually we have assumed that there will be one application per year for exploration permits proposing the sale or commercial use of coal removed during the exploration process in accordance to §772.14. We estimate that the applicant will need an average of 16 hours to collect and compile the requested information. We also estimate that the regulatory authority will need an average of 2 hours to review the information and make the requisite written finding. Therefore, we estimate that the annual information collection burden for respondents for §772.14 will total **18 hours** (16 hours for the permit applicant + 2 hours for the regulatory authority).

As discussed we anticipate that state regulatory authorities will receive an average of 258 notices of intent to explore and 2 applications for coal exploration permits each year for a total of 260. Therefore, we estimate that the annual recordkeeping burden on state regulatory authorities under §772.15(a) is **130 hours** (260 notices and permits received by state regulatory authorities x 0.5 hour per notice or permit). The estimated annual information collection burden for persons to prepare and submit requests for confidentiality under §772.15(b) is **13 hours** (260 notices and permits x 0.1 request per notice or permit x 0.5 hour per request). Therefore, the combined information collection and recordkeeping burden for both paragraphs (a) and (b) of §772.15 is approximately **143 hours** (130 hours for state regulatory authority recordkeeping + 13 hours for applicants to prepare confidentiality requests).

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| **INFORMATION COLLECTION SUMMARY FOR 30 CFR PART 772 (2021)** |
| Section | Operator Responses | Operator Hours per Response  | Total Operator Hours | State Responses | State Hours per State | Total State Hours | Total hours requested | Current burden hours | Change in burden hours |
|  |
| 772.11 | 258 | 5 | 1,290 | 0 | 0 | 0 | 1,290 | 1,440 | -150 |  |
| 772.12 | 2 | 70 | 140 | 2 | 53 | 106 | 246 | 246 | 0 |  |
| 772.14 | 1 | 16 | 16 | 1 | 2 | 2 | 18 | 18 | 0 |  |
| 772.15(a) | 0 | 0 | 0 | 260 | 0.5 | 130 | 130 | 145 | -15 |  |
| 772.15(b) | 26 | 1 | 13 | 0 | 0 | 0 | 13 | 15 | -2 |  |
| Totals  | 287 |   | 1,459 | 263 | 56 | 238 | 1,697 | 1,864 | -167 |  |

b. Estimated Annual Wage Cost to Respondents

OSMRE has estimated wage costs for respondents for industry and state regulatory employees. These wages are derived from the Bureau of Labor Statistics (BLS) at: (<http://www.bls.gov/oes/current/naics4_212100.htm> for industry wages; and <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-20-2266, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2020, dated December 17, 2020 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

Based on industry hours needed by various staff (Administrative support, Engineering technician, Mining Engineer, and Operations Manager) with varying wage rates the total wage cost is estimated at $72,551 (1,459 hours x $49.73 per hour average).

|  |  |
| --- | --- |
| Industry staff hours required by section and total hour contribution for processing applications |   |
| Section | Administrative Support  | Engineering Technician  | Mining Engineer | Operations Manager | Hours per response | Responses | Total Hours |
| 772.11 | 1 | 0 | 3.5 | 0.5 | 5 | 258 | 1,290 |
| 772.12 | 4 | 40 | 25 | 1 | 70 | 2 | 140 |
| 772.14 | 1 | 0 | 14 | 1 | 16 | 1 | 16 |
| 772.15(a) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 772.15(b) | 0.5 | 0 | 0 | 0 | 0.5 | 26 | 13 |
| Hours per response  | 6.5 | 40 | 42.5 | 2.5 | 91.5 | 287 |   |
| Total hours  | 103.64 | 637.81 | 677.68 | 39.86 |   |   | 1,459 |
|   |   |   |   |   |   |   |   |
| Total industry wage cost |   |   |   |   |
|   | Administrative Support | Engineering Technician | Mining Engineer | Operations Manager | Total  |
|  Hourly rate (BLS) | $19.61 | $29.60 | $42.54 | $52.23 |   |
|  Wage w/benefit  | $27.45 | $41.44 | $59.56 | $73.12 |   |
| Hours | 103.64 | 637.81 | 677.68 | 39.86 | 1,459 |
| Total wage cost | $2,845.46 | $26,431.02 | $40,359.77 | $2,914.89 | $72,551 |

 Total state wage cost is based on the wage rate for an engineering technician for sections 772.12 and 772.15 and on the wage rate for a filing clerk for section 772.15. The average hour rate with benefit (1.6 ratio) is $35.25/hour. Therefore, the total wage cost is $8,390 (238 hours x $35.25/hour).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| State regulators total wage costs  |   |   |   |   |
| Section | State Regulatory Authority hours per response | Responses (applications) | Total hours | Hourly wage (BLS) | Hourly wage w/benefit  | Total wage cost  |
| 772.12 | 53.0 | 2 | 106 | $23.37 | $37.39 | $3,963.55 |
| 772.14 | 2.0 | 1 | 2 | $23.37 | $37.39 | $74.78 |
| 772.15 | 0.5 | 260 | 130 | $20.92 | $33.47 | $4,351.36 |
| Total |   |   | 238 | $22.03 | $35.25 | $8,390 |

***13. Provide an estimate of the total annual non-hour cost burden to respondents or record keepers 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.*Total Annual Non-Wage Cost Burden to Respondents**

 a. Annualized Capital and Start-Up Costs

 The information collection requirements of §772.11, §772.12, §772.14, and §772.15 do not involve any capital or start-up costs apart from expenditures associated with customary business practices in the mining industry. None are directly attributable to the information collection requirements this section.

 b. Operation and Maintenance Costs

 There are no significant or distinct non-wage operation or maintenance costs associated with compliance with the information collection requirements of §772.11, §772.14, and §772.15.

The only distinct non-wage operation or maintenance cost associated with compliance with the information collection requirements of §772.12 is the newspaper notice that permit applicants must publish and the four decision notification letters that the regulatory authority must send for the average coal exploration application. Based on feedback from Field Office Directors, we maintain these costs as before. A one-time publication of newspaper notice ranged in cost from $66 to $139, with an average cost of $100 per notice. We estimate that the regulatory authority will incur an average of $4 in copying and office supply costs and delivery charges for each decision notification letter. Therefore, we estimate that permit applicants will incur annual publication expenses of $208 (one notice per application x 2 applications per year x $104 for publication of each notice).

 Similarly, we estimate that the state regulatory authorities will incur non-wage expenses of $80 for decision notification letters (10 letters per decision x 2 applications received by state regulatory authorities per year x $4 per letter).

For all respondents, we estimate that annual non-wage operation and maintenance costs will total **$288** ($104 for permit applicants + $40 for state regulatory authorities).

***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.***

OSMRE anticipate conducting oversight review of State compliance with the requirements of §772.11, §772.12, §772.14, and §772.15(b), requiring estimated time in hours of 20, 40, 4, and 8, respectively. If we conduct an oversight review of this topic in one state program per year, that review would require an average hourly wage cost $42.08 per hour (GS-12/5 regulatory program specialist/mining engineer) reviewing the application, or $67.33 per hour, including 1.6 multiplier for benefits. The annual cost to OSMRE for this oversight activity is estimated to be $**4,848**.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Section | Hours | Wage (OPM) | Wage w/benefit | Federal Cost |
| 772.11 | 20 | 42.08 | 67.33 | 1,346.56 |
| 772.12 | 40 | 42.08 | 67.33 | 2,693.12 |
| 772.14 | 4 | 42.08 | 67.33 | 269.31 |
| 772.15(a) | 0 | 42.08 | 67.33 | 0.00 |
| 772.15(b) | 8 | 42.08 | 67.33 | 538.62 |
| Total | 72 |   |   | 4,848 |

Wage costs for OSMRE employees are calculated based on the Office of Personnel Management update wage and salaries: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS_h.aspx>.

We included a benefit factor of 1.6 for Federal employees in accordance with release USDL-20-2266, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2020, dated December 17, 2020 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

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

The current OMB-approved information collection burden for 30 CFR 772 is 1,864 hours. We are now requesting 1,697 burden hours for these sections, a decrease of 167 hours. This is generally a result of an overall reduction in the number exploration notices annually and declining level of existing permits.

 1,864 hours currently approved by OMB

- 167 hours due to an adjustment (decrease in applications)

 1,697 hours requested

The currently approved non-wage cost burden for 30 CFR 772 is $288. Our request is remains the same.

***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.***

 We have 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.***We are 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 the “Certification for Paperwork Reduction Act Submissions.” The information collection requirements of §772.12 do not involve any capital or start-up costs apart from expenditures associated with (1) customary business practices concerning establishment and operation of a mining entity, or (2) general administration of a regulatory agency. None are directly attributable to the information collection requirements of §772.12.