

**Supporting Statement A**  
**30 CFR Part 800 - Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**  
**under Regulatory Programs**

**OMB Control Number 1029-0043**

**Terms of Clearance: None**

**Introduction**

The Office of Surface Mining Reclamation and Enforcement (OSMRE or we) are submitting this information collection clearance request to renew our authority to collect information for 30 CFR Part 800 - Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations under Regulatory Programs. The Office of Management and Budget (OMB) previously reviewed and approved this collection of information and assigned it control number 1029-0043.

The regulations at 30 CFR Part 800 primarily implement §509 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), which requires that persons planning to conduct surface coal mining operations first post a performance bond to guarantee fulfillment of all reclamation obligations under the approved permit. The regulations also establish bond release requirements and procedures consistent with §519 of the Act, liability insurance requirements pursuant to §507(f) of the Act, and procedures for bond forfeiture should the permittee default on reclamation obligations.

Total estimated responses per year are dependent on the number of active permits. The total number of active mining permits under bond insurance has fallen since 2017 by about 7% (from 6,073 to 5,628). This is a result of those permits released from bonds that satisfy reclamation requirements exceeding the number of newly bonded permits. Based on State annual reports permits applications decreased from 80 to 60 per year. This reduction in current permits and new permits directly affects the estimated number of annual responses for both the permittees and State Regulatory Authorities.

**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 509(a) of the Act and 30 CFR 800.14 of the regulations require that the regulatory authority determine the amount of bond required for surface coal mining and reclamation operations

Section 509(e) of the Act provides that the regulatory authority must adjust the amount of bond required and the terms of acceptance from time to time as the acreage of affected land increases or decreases or the cost of future reclamation changes. Paragraph (a) of §800.15 includes a similar provision. Paragraph (c) clarifies that bond reductions under this provision need not be processed as bond releases.

Paragraph (b) of §800.15 requires that, prior to ordering an adjustment, the regulatory authority notify the permittee, the surety, and any person with an interest in collateral posted as bond. This paragraph also allows the permittee to request an informal conference on the proposed adjustment. These provisions are intended to protect the rights of the permittee and parties with an interest in the bond.

Paragraph (d) of §800.15 requires that the regulatory authority reevaluate bond adequacy as part of the process of reviewing an application for a permit revision. This provision is intended to ensure that the bond amount remains sufficient to complete the reclamation plan in the event of bond forfeiture, as required by §509(a) of the Act. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules and regulations to carry out the purposes and provisions of the Act, authorizes collection of this information.

Under 30 CFR 800.16(e), a bank or surety company that underwrites a performance bond under SMCRA must promptly notify the regulatory authority and the permittee if the bank is declared insolvent, the surety company files for bankruptcy, or either entity loses its charter or license to do business. The permittee also has an obligation to report any such incapacity to the regulatory authority, which must then notify the permittee of the need to obtain a replacement bond within 90 days.

These requirements are necessary to ensure that all surface coal mining and reclamation operations remain fully bonded in accordance with §509 of the Act. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules and regulations to

carry out the purposes and provisions of the Act, authorizes collection of this information.

Under §509(a) of the Act and §§800.11, 800.17, and 800.70, a person seeking a permit to conduct surface coal mining operations must file a performance bond to guarantee faithful performance of all of the requirements of the regulatory program, the permit and the reclamation plan. The bond must be filed on a form prescribed and furnished by the regulatory authority. The Act and regulations allow the bond to be filed on an incremental schedule as mining operations progress. Section 509(e) of the Act and §800.15 provide that the regulatory authority must adjust the amount of bond required and the terms of acceptance from time to time as the acreage of affected land increases or decreases or the cost of future reclamation changes. Section 800.30 allows permittees to replace bonds for any reason when authorized by the regulatory authority.

Section 509(b) of the Act and §800.12 provide that one acceptable type of bond is a surety bond. Like §509(b) of the Act, §800.20(a) requires that a surety bond be executed between the operator and a corporate surety licensed to do business in the State in which the operation is located.

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Section 509(b) of the Act provides that an operator may elect to deposit cash, negotiable State or Federal government bonds, or negotiable certificates of deposit of any bank in lieu of a surety bond. The definition of “collateral bond” at 30 CFR 800.5(b) expands the list of acceptable alternatives to a surety bond to include municipal bonds, irrevocable letters of credit from a bank, a perfected first-lien interest in real property in favor of the regulatory authority, and certain investment-grade securities. This expansion is based on section 509(c) of the Act, which authorizes the Secretary to approve alternatives that will meet the objectives and purposes of the bonding program.

Section 509(b) of the Act specifies that cash and the market value of securities must be equal to or greater than the amount of bond required for the bonded area. To implement

this provision and to ensure that the collateral is unencumbered, financially viable, and fully accessible in the event of forfeiture, §800.21 requires that the permittee submit either the collateral itself or assorted descriptive and explanatory information to the regulatory authority. For the same reason, §800.21(e)(2) requires that the regulatory authority reevaluate the bond value of all collateral at the time of permit renewal. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules and regulations to carry out the purposes and provisions of the Act, authorizes collection of this information.

Under §800.21(f), persons (normally a financial institution) with an interest in collateral posted as a bond who desire notification of regulatory authority actions concerning the bond must request such notification at the time that the collateral is offered as a bond. This provision, which also is authorized by §201(c)(2) of the Act, is intended to ensure that the regulatory authority is aware of all persons with an interest in the collateral.

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Section 509(c) of the Act provides that the regulatory authority may accept the bond of the applicant itself (a “self-bond”) without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous

operation sufficient for authorization to self-insure or bond the requisite amount. To implement this provision, OSMRE adopted 30 CFR 800.23, which prescribes the documentation, financial statements, and affidavits that a company must submit to demonstrate that it meets the requirements for self-bonding.

Under §800.23(g), the permittee must notify the regulatory authority any time that the financial conditions of the permittee or corporate guarantor change in a manner that would render the pertinent entity ineligible for self-bonding. The permittee must then obtain a replacement bond within 90 days. These requirements are necessary to ensure that all surface coal mining and reclamation operations remain fully bonded in accordance with section 509 of the Act. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules to carry out the purposes and provisions of the Act, authorizes collection of this information.

Section 519 of the Act establishes numerous application and procedural requirements for release of performance bonds filed under §509 of SMCRA. The corresponding procedural requirements in 30 CFR 800.40 essentially track these provisions, adding (1) a requirement that the permittee submit a certification that all applicable reclamation activities have been completed in accordance with the approved program and reclamation plan, and (2) an opportunity for an informal conference on a proposed bond release. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules and regulations to carry out the purposes and provisions of the Act, authorizes collection of the additional information. Also, the informal conference provisions are consistent with §102(i) of the Act, which encourages public participation in regulatory program proceedings.

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Section 509(a) of the Act provides that the amount of bond required for surface coal mining and reclamation operations under SMCRA must be sufficient to assure completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture. To implement this provision, 30 CFR 800.50 establishes notification procedures and related requirements governing forfeiture of bonds and reclamation of sites for which bonds have been forfeited. Section 201(c)(2) of SMCRA, which provides that the Secretary must promulgate rules and regulations to carry out the purposes and provisions of the Act, authorizes collection of this information.

Section 507(f) of SMCRA mandates collection of the information required by 30 CFR 800.60, which implements this section of the Act. Section 507(f) specifies that each application for a surface coal mining permit must contain either a certificate of personal injury and property damage liability insurance or evidence of self-insurance. Both this section and 30 CFR 800.60 provide that the policy must be maintained in full force and effect during the terms of the permit and any renewal, including the length of all reclamation operations. The regulations further specify that the policy must include a rider requiring that the insurer notify the regulatory authority whenever substantive changes are made in the policy, including termination or failure to renew.

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 800.14:

OSMRE and State regulatory authorities under SMCRA use this information to ensure that persons who conduct or intend to conduct surface coal mining and reclamation operations file the amount of performance bond required by §509(a) of the Act and §800.14; i.e., an amount sufficient to ensure completion of the reclamation plan in the event that the regulatory authority has to perform the work under conditions of bond forfeiture.

Section 800.15:

OSMRE and State regulatory authorities under SMCRA use this information to ensure

that persons who conduct or intend to conduct surface coal mining and reclamation operations maintain the amount of performance bond required by §509(a) of the Act, i.e., an amount sufficient to ensure completion of the reclamation plan in the event that the regulatory authority has to perform the work under conditions of bond forfeiture. Persons receiving notification of proposed bond adjustments pursuant to §800.15(b) use this information to protect their rights and interests. Timely notification is essential to ensure that potentially affected parties are able to exercise their informal review and appeal rights.

Section 800.16:

OSMRE and State regulatory authorities rely upon notifications from permittees, banks, and surety companies to determine when a properly executed surety or collateral bond ceases to be viable because of the incapacity of the bank or surety company. Subsequent regulatory authority notification of the permittee of the need to obtain replacement coverage is essential to ensure that funds are available to complete the reclamation plan in the event of bond forfeiture, as required by §509(a) of SMCRA.

Section 800.20:

Permittees use surety bonds to meet the performance bond requirements of the Act and regulatory program. OSMRE and State regulatory authorities rely upon properly executed surety bonds with viable corporate surety firms to ensure that funds are available to complete the reclamation plan in the event of bond forfeiture.

Section 800.21:

Permittees use collateral bonds to meet the performance bond requirements of the Act and regulatory program. OSMRE and State regulatory authorities rely upon properly executed collateral bonds to ensure that funds are available to complete the reclamation plan in the event of bond forfeiture. OSMRE and State regulatory authorities also rely upon the collateral documents or related information submitted by the permittee to determine the value, financial viability, liquidation costs, and accessibility of the proffered collateral.

Persons with an interest in the collateral, normally a financial institution, rely upon the notification provision of §800.21(f) to ensure that they are informed of any regulatory authority actions that may affect their interest in the bond. Timely notification is necessary to preserve that person's informal review and appeal rights.

Section 800.23:

Permittees use self-bonds to meet the performance bond requirements of the Act and regulatory program. OSMRE and State regulatory authorities rely upon the information submitted under §800.23 to ensure that only eligible entities receive approval to self-bond and that the self-bond documents are legally binding on the permittee or corporate guarantor. These information collection requirements are necessary to ensure that funds are available to complete the reclamation plan in the event of bond forfeiture.

OSMRE and State regulatory authorities also rely upon the notification required by §800.23(g) as the most expeditious means of determining when a permittee with a properly executed self-bond ceases to be eligible for self-bonding because of changes in the financial position of the permittee or corporate guarantor. Obtaining replacement coverage is essential to ensure that funds are available to complete the reclamation plan in the event of bond forfeiture, as required by §509(a) of SMCRA.

Section 800.40:

OSMRE and State regulatory authorities use the information collected for §800.40 to determine whether an applicant for bond release has met all applicable release criteria, and how much of the bond must be retained to ensure completion of the remaining reclamation requirements. Persons with an interest in the bond, property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, water companies, and the public at large use the required letters of notification and newspaper notices to decide whether to participate in the bond release process or appeal the final agency decision to ensure protection of their interests. Permittees likewise use the application, notification, and appeal processes to protect their interest in securing bond release.

Section 800.50:

OSMRE and State regulatory authorities under SMCRA use the information required under §800.50 to collect the funds needed to complete the reclamation plan when the regulatory authority has to perform the work under conditions of bond forfeiture. Other persons, such as the surety or persons with an interest in collateral posted as bond, rely upon the notifications required by §800.50(a) as a warning system that allows them to take action to avoid forfeiture if desired.

Section 800.60:

OSMRE and State regulatory authorities use the certificate required by this section to verify that persons conducting or proposing to conduct surface coal mining and reclamation operations have a valid insurance policy in effect to provide compensation for any personal injury or property damage that may result from surface coal mining operations, to the extent that the injured party is entitled to compensation under State law.

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.*

Collection of information by automated methods generally is not practical because regulatory authorities, mining companies, and financial institutions normally use paper forms as bonding instruments, in part because of legal implications. Almost all



respondents are (1) individual mining companies that submit bonds and apply for bond release on an as-needed basis, or (2) State regulatory authorities that determine bond amounts, review bond documents, and process bond release applications. An increasing number of respondents use automated media to store information relevant to the collections of information required for part 800. Some State regulatory authorities use automation to calculate bond amounts.

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 requested information is time-sensitive and unique to each applicant or surface coal mining operation. Since it is collected infrequently (generally only at the time of application for a permit, permit revision, permit renewal, or release of bond), duplication is minimal. OSMRE is not aware of any other Federal agency that collects this information. OSMRE is the only Federal agency charged with implementation of SMCRA with respect to performance bonds for surface coal mining operations.

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. Nor are any appropriate because the requested information is essential to ensuring and maintaining the integrity of the performance bond and liability insurance required for each surface coal mining operation.

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.*

If the requested information was not collected or was collected less frequently, OSMRE and State regulatory authorities would be less able to ensure that surface coal mining operations post and maintain viable performance bonds and liability insurance policies as required by §§509 and 507(f) of the Act. OSMRE and State regulatory authorities also would be less able to ensure that all necessary reclamation has been completed before all or part of a bond is released in accordance with §519 of the Act. Finally, the ability of OSMRE and State regulatory authorities to forfeit bond and reclaim the affected acreage would be adversely impacted.

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 part 800 is inconsistent 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.*

OSMRE contacted the following respondents to obtain their views on the information collection burden imposed by part 800 and the clarity of the regulations:

Reclamation & AML Divisions  
North Dakota Public Service Commission  
Bismarck, ND 58505-0480

Office of Surface Mining Reclamation and Enforcement  
One Denver Federal Center, Building 41  
Lakewood, CO 80225-0065

Kentucky Department for Natural Resources  
Division of Mine Permits  
2 Hudson Hollow Road  
Frankfort, KY 40601

Office of Surface Mining Reclamation and Enforcement  
Knoxville Field Office, Technical Group  
Knoxville, TN 37902

We used information provided by these individuals as part of the process of calculating the total burden identified in the responses to items 12 and 13. All respondents indicated that self-bonding applications were dramatically reduced due to financial uncertainties. We received no comments or suggestions from these individuals regarding the availability of data, frequency of collection, clarity of instructions, nor data elements reported.

On May 3, 2021, OSMRE published in the Federal Register (86 FR 23427) 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. No comments were received during this comment period.

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

OSMRE 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.*

The Act and Federal regulations do not authorize information concerning performance bonds and insurance to be kept confidential. Under 30 CFR 840.14(b), copies of all

information obtained by the regulatory authority must be made immediately available to the public in the area of mining until at least five years after expiration of the period during which the operation is active or is covered by any portion of a performance bond. The only exceptions are for (1) information protected by other Federal laws or (2) certain permit application information specified in 30 CFR 772.15 and 773.6(d). The latter exception does not apply to performance bonds and insurance policies.

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.

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.*

#### Estimated Information Collection Burden

- a. Burden Hour Estimates for Respondents

Permitting activity for bond insurance is comprised of four components: (1) bonds for new permits, (2) bond adjustment related to permit revisions without acreage change, (3) bond adjustments with acreage revisions, and (4) replacement bonds for the transfer, assignment, or sale of permit rights.

Total estimated responses per year are dependent on the number of active permits. The total number of active mining permits under bond insurance has fallen since 2017 by about 7% (from 6,073 to 5,628). This is a result of those permits released from bonds that satisfy reclamation requirements exceeding the number of newly bonded permits. Based on State annual reports permits applications decreased from 80 to 60 per year. This reduction in current permits and new permits directly affects the estimated number of annual responses for both the permittees and State Regulatory Authorities.

Accordingly, total responses **8,158** (permittee 3,056 + state 5,102) decreased roughly by the same percentage (7%) as the decrease as bonded permits. However, in some instances estimated responses is disproportionately reduced. The number of permittee responses were reduced disproportionately from 24 to 5. This is largely from long-term financial uncertainty reducing credit ratings of nearly all mining entities reliant on coal sales, making them ineligible for self-bonding. Previously, OSMRE estimated that permittees would file 24 self-bonds each year ( $0.02 \times 1,223$  total bonds of all types). This rule of thumb is no longer applicable. OSMRE now determined that at most 5 applicants would apply for self-bonding though it would be unlikely they would be deemed eligible under stricter financial criteria that States are imposing.

Burden Hour Summary by Section for CFR 800									
Section	Permittee responses	Hours per response	Permittee Hours	State responses	Hours per State	State Hours	Total hours	Current hours	Change to hours
800.14	60	25	1,500	59	30	1,770	3,270	3,970	-700
800.15	0	0	0	3,192	4	12,768	12,768	13,085	-317
800.16	4	2	8	4	2	8	16	15	1
800.2	793	12	9,516	844	2	1,688	11,204	11,960	-756
800.21	317	12	3,804	310	4	1,240	5,044	4,931	113
800.23	5	16	80	4	16	64	144	754	-610
800.4	675	12	8,100	664	35	23,240	31,340	34,050	-2,710
800.5	0	0	0	25	10	250	250	249	1
800.6	1,202	2	2,404	0	0	0	2,404	2,626	-222
<b>Totals</b>	<b>3,056</b>		<b>25,412</b>	<b>5,102</b>		<b>40,830</b>	<b>66,440</b>	<b>71,639</b>	-5,199

b. Estimated Annual Wage Cost to Respondents

OSMRE uses the U.S. Department of Labor’s Bureau of Labor Statistics (BLS) figures for calculating cost burden placed on respondents. For industry occupation cost are derived from [http://www.bls.gov/oes/current/naics4\\_212100.htm](http://www.bls.gov/oes/current/naics4_212100.htm). State government occupation wages are found at [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm). We have also included a benefits factor at a rate of 1.4 of salaries for the industry and a benefits factor of 1.6 for state government employees based on BLS news release USDL-21-1094, dated June 17, 2021, Employer Costs for Employee Compensation – March 2021 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

We opted to use a simple-average wage based upon representative occupations for permittee wage cost comprised of mining engineers, administrative assistants, engineering technicians, management, and environmental scientists. Similarly, for state

workers we estimated the wage rate from a composite drawn from wages for state hydrologist, biological scientist, mining engineers, engineering technologist, and administrative assistants.

Hourly Wage Cost for Industry		
Occupation	BLS Wage Rate \$	Wage rate \$ with benefit (1.4)
Mining Engineers	43.73	61.22
Administrative Assistants	20.59	28.83
Engineering Technicians,	29.97	41.96
Management Occupations	53.41	74.77
Environmental Scientists	40.37	56.52
Average		52.66

Hourly Wage Cost for State Workers		
Occupation	BLS Wage Rate \$	Wage rate \$ with benefit (1.6)
Hydrologist	34.76	55.62
Biological Scientists	29.38	47.01
Mining Engineers	61.26	98.02
Engineering Technologist	24.21	38.74
Administrative Assistants	21.90	35.04
Average		54.88

The composite wage rate averaged (across occupation categories) with benefits for industry permittees is \$54.88 per hour. Total permittee wage cost is \$1,338,196 (25,412 hours x \$52.66/hour). We estimate that State workers hourly wage with benefits (factor of 1.6) is \$54.88 per hour. Total state wage cost is therefore \$2,240,750 (40,830 hours x \$54.88/hour).

Total wage cost (permittee and state) is estimated at **\$3,578,946** (\$1,338,196 permittee + \$2,240,750 state wage cost).

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

We estimate that the annual non-wage cost burden to the permit applicants and the is \$50 per new permit application and for permit revision applications, principally gathering mine site information, updating reference materials, and copying. Non-wage cost burden to respondents for compliance is \$3 per notification, principally for delivery charges. The information collection requirements for section 800.20 – 800.23 do not involve any



capital or start-up costs apart from expenditures associated with customary business practices.

Based on past experience and consultations, OSMRE estimates that the annual non-wage cost burden to permittees for compliance with 30 CFR 800.40 comprises about 94% of total non-wage costs.

Cost to permittee's amounts to \$408,375 or \$605/response with the following components:

- notification letters
- public notices in local newspapers
- mapping expenses, duplication costs, notary fees, delivery charges, and other costs associated with preparing and submitting a bond release application

Based on past consultations, OSMRE estimates that the annual non-wage cost burden to the 24 State regulatory authorities for compliance with 30 CFR 800.40 totals \$81,735 or \$664/response, with the following components:

- travel to the minesite, duplication expenses, and miscellaneous costs associated with review and processing of a bond release application
- decision notification letters to the permittee, the municipality, persons with an interest in the bond, and objectors to State regulatory authorities
- public notices in local newspapers for public hearings
- for court reporter services for preparation of a verbatim record for public hearings
- furnishing written findings for each informal conference to all parties to the conference

Therefore, OSMRE estimates that the annual non-wage cost burden to all respondents for compliance with 30 CFR 800.40 totals **\$490,427** (\$408,375 for permittees + \$81,735 for State regulatory authorities).

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Non-Wage Cost Summary

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Section	Permittee responses	Cost \$ per response	State responses	Permittee cost per Response	State cost per Response	Non-wage permittee cost	Non-wage state cost	Total non-wage costs
800.14	60	50	59	50	50	3,000	2,950	5,950
800.15			3,192		8		25,480	25,480
800.16	4		4	9	3	36	12	48
800.2								
800.21								
800.23								
800.4	675	123	664	605	123	408,375	81,735	490,110
800.5			25		6		147	147
800.6								
<b>Totals</b>	<b>739</b>		<b>1,402</b>			<b>411,411</b>	<b>110,324</b>	<b>521,735</b>

Total non-wage cost in total amounts to **\$521,735** (\$490,427 for section 800.40 + \$31,625 for all other sections).

b. Operation and Maintenance Costs

The requirements of 30 CFR 800 do not involve any operation and maintenance costs apart from expenditures associated with customary business practices.

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.*

Typically, a regulatory program specialist (GS, 13 step-5) will perform reviews to evaluate the State program, and prepare the written response. An hourly rate of \$50.04 is based on the Federal employee pay tables from the Office of Personnel Management’s website at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf). We adopt a benefit factor of 1.6 for Federal benefits based on BLS news release USDL-21-1094, dated June 17, 2021, Employer Costs for Employee Compensation – March 2021 (<http://www.bls.gov/news.release/pdf/ecec.pdf>). Applying the benefit factor (1.6) to the base hour rate we arrive at a Federal cost rate of \$80.06 per hour.

Oversight:

It is expected OSMRE will conduct one oversight review of a State program each year ranging in time and technical complexity from 80 hours for section 800.14 to least burdensome of 4 hours for section 800.16. Most commonly an oversight review will take 30 hours (sections 800.20, 800.21, 800.23, and 800.40). Annual oversight review hours are not dependent of the number of permitting actions and therefore have not changed from the previous three years. Annual hours for oversight reviews are estimated to be 260 for all sections.

Federal Programs:

OSMRE has primary regulatory responsibility for two States and three Tribal nations with active mining with direct responsibility for bond and insurance requirements for surface coal mining and reclamation operations under regulatory programs. Hours required under Federal programs range from 220 hours for 11 applications per year for bond release (section 800.40) to just 1.5 hours based on one bond replacement notification (section 800.16) per year. No substantive changes were made in estimated hours required for Federal programs as the permit count has remained steady. Annual hours for total Federal programs amount to 570 hours.

Federal government burden hours and cost:

Total Federal government hours are **830** (260 + 570). Total annualized wage cost to the Federal government is **\$66,410** (830 hours x \$80.06 per hour).

In addition, there are non-wage cost of \$450 for travel to mine sites and \$830 for conducting public hearing associated with sections 800.15 and 800.40, respectively. Total annualized cost to the Federal government is therefore **\$67,690** (\$66,410 + \$450 + \$830).

**Annualized Wage Cost to Federal Government**

Section	Oversight Hours	Federal Program Hours	Total Hours	Total Wage Cost @80.06
800.14	80	50	130	10,407.80
800.15	40	218	258	20,655.48
800.16	4	1.5	5.5	440.33
800.20	30	36	66	5,283.96
800.21	30	28	58	4,643.48
800.23	30	16	46	3,682.76
800.40	30	220	250	20,015.00
800.50	10		10	800.60
800.60	6		6	480.36
<b>Totals</b>	260	570	830	66,410

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

The currently approved information collection package for 30 CFR Part 800 includes burden of 71,639 hours, OSMRE is now requesting 66,440 burden hours. This reduction is directly related to reductions in active permits with bond requirements and new permits per year. Therefore, total burden hours will change as follows:

71,639 hours currently approved
- 5,199 hours due to an adjustment
<b>66,440 hours requested</b>

Similarly, this request will reduce the currently approved non-wage cost of \$565,096 to **\$521,735** (\$43,361) due primarily from fewer expected responses from less permitting actions.

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 for Paperwork Reduction Act Submissions."