

Supporting Statement A
30 CFR Parts 816 and 817—Permanent Program Performance Standards for
Surface and Underground Mining Activities

OMB Control Number 1029-0047

Terms of Clearance: None

Introduction

We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are submitting this information collection clearance package to request renewal of our authority to collect information and require retention of records under 30 CFR Part 816-Permanent Program Performance Standards—Surface Mining Activities, and 30 CFR Part 817-Permanent Program Performance Standards—Underground Mining Activities. OMB previously reviewed and approved this consolidated collection of information and recordkeeping and assigned it clearance number 1029-0047.

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 Information Collection Request (ICR) contain surveys, censuses, or employ statistical methods?” is checked “Yes,” then a Supporting Statement B must be completed. The Office of Management and Budget (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 in 30 CFR Part 816 set forth the minimum environmental protection performance standards for surface coal mining activities. They primarily implement section 515 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), which sets forth performance standards for surface coal mining and reclamation operations; section 517(b)(2) of SMCRA, which sets forth water monitoring

requirements; and section 517(d) of SMCRA, which requires the posting of signs and markers at the mine site.

The regulations in 30 CFR Part 817 set forth the minimum environmental protection performance standards for underground coal mining operations. They primarily implement section 516 of SMCRA, which directs the Secretary to adopt performance standards for underground coal mines and includes additional requirements related to subsidence resulting from those operations; section 517(b)(2) of SMCRA, which sets forth water monitoring requirements; section 517(d) of SMCRA, which requires the posting of signs and markers at the mine site; and section 720 of SMCRA, which establishes requirements pertaining to replacement of certain water supplies adversely impacted by those operations and correction of subsidence-related material damage to protected structures.

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.*

816/817.41: The information required under 30 CFR 816/817.41 is needed and used to monitor and determine the impact of the operation on water quality and the hydrologic balance, the protection of which is one of the requirements of SMCRA.

816/817.43: The findings that the regulatory authority must make before approving a stream-channel diversion are needed to ensure that consideration has been given to the environmental protection requirements of the Act. Regulatory authorities rely in part upon the certification requirements of 30 CFR 816/817.43 to ensure that stream-channel diversions are designed in accordance with all applicable requirements and are constructed in accordance with approved plans to be stable and environmentally sound.

816/817.46: These sections include a provision at 30 CFR 816/817.46(b)(3) with information collection implications. Under that provision, a qualified registered professional engineer or qualified registered professional land surveyor must certify, upon completion of construction, that a siltation structure has been constructed as designed and approved. Since virtually all siltation structures are impoundments, this requirement is effectively subsumed by the impoundment certification requirements of 30 CFR 816/817.49(a)(11), which has its own information collection budget. Therefore, we are not including a separate information collection burden estimate for 30 CFR 816/817.46.

816/817.49: The inspections and reports required under 30 CFR 816/817.49(a)(11) are intended to ensure that the impounding structure is constructed in accordance with the approved design plan and will not present a hazard to the public because of unsafe construction practices or lack of proper maintenance. Both the operator and the

regulatory authority use the information in the report to ensure the safety and stability of the impounding structure. Without the report, monitoring the condition and safety of the impounding structure would be difficult, and persons might not be aware of changing conditions of the structure or when it may become a hazard to the health and safety of the public.

816/817.57: Sections 816/817.57 prohibit mining activities from disturbing land within 100 feet of an intermittent or perennial stream unless the regulatory authority specifically authorizes those activities closer to or through the stream. The regulations provide that the regulatory authority may authorize such activities only after making a finding that the activities will not adversely affect water quantity and quality or other environmental resources of the stream, among other things. Regulatory authorities use this finding and its underlying analyses to help protect streams and related environmental resources from adverse mining-related impacts.

816/817.61(d): The information collection requirements under 30 CFR 816.61(d) are subsumed within 30 CFR 780.13, which requires submission of a blasting plan for all surface mines that involve the use of explosives. Therefore, the burden for preparation of a blast design for surface mines is included in the burden for 30 CFR 780.13. There is no counterpart to 30 CFR 780.13 for underground mines. However, we do not anticipate that any underground mines will need to prepare a blast design under 30 CFR 817.61(d). Therefore, we are not including a burden estimate or request for 30 CFR 817.61.

816/817.62: Section 515(b)(15)(E) of the Act imposes detailed planning, preblast survey, permitting, and record-keeping requirements on persons planning to conduct surface coal mining operations that involve the use of explosives. The preblast survey must determine the condition of the dwelling structure and document any damage and other physical factors that could reasonably be affected by the blasting. In addition, the assessment must include the surface conditions and readily available data about structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems. The regulatory authority, the operator and the owner of the structure can use the preblast survey reports to assess and compare conditions before blasting with those after blasting. In the absence of this information, there would be no way to fairly determine claims against the operator and no way for the owner to determine that blasting has or has not caused damage. This information can be also used as evidence in litigation. In addition to establishing a preblast record of the condition of structures, the survey opens lines of communication between the mining operator and the affected public.

816/817.64: Section 515(b)(15)(A) of the Act requires surface coal mine operators to provide adequate advance written notice to local governments and residents who might be affected by the use of explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality, and by mailing a copy of the proposed

blasting schedule to every resident living within one-half mile of the proposed permit area where blasting will occur and by providing daily notice to resident/occupiers in such areas prior to any blasting. The regulations at 30 CFR 816.64 implement this statutory provision. Recognizing the differences between surface and underground mining, the rules at 30 CFR 817.64 did not impose the newspaper notice requirement on underground mines, although they do contain the other notice requirements.

816/817.67: This section incorporates the requirements of Section 515(b)(15)(C) of the Act which requires that blasting at surface coal mining operations be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area. Airblasts are airborne shock waves resulting from the detonation of explosives. Ground vibrations are elastic waves emanating from a blast and propagating through soil and rock. The operator must monitor both airblast and ground vibration to document adherence to the limits established by the regulatory authority.

816/817.68: Section 515(b)(15)(B) of the Act require surface mine operators using explosives to maintain blast records for a period of at least three years. Upon request, copies of the records must be available to the public for inspection. The regulations at 30 CFR 816/817.68 implement these statutory provisions, with recordkeeping requirements tailored to the method used to measure ground vibration. However, mine operators collected and maintained similar information before the enactment of SMCRA. Collection and maintenance of the information required under this section are customary business practices for insurance and legal purposes. Therefore, we are not including the time and expense required to prepare and maintain blasting logs as part of the information collection burden for 30 CFR Parts 816 and 817.

816/817.71: Section 515(b)(22) of SMCRA requires that all excess spoil be placed in a manner that will assure mass stability and safety and that will be compatible with the natural drainage pattern and surrounding landforms. The Act also requires that a qualified registered professional engineer certify the design of the spoil disposal area as being in conformance with professional standards. The inspections, reports, and certifications required by 30 CFR 816/817.71(h) are intended to assure that the fill is constructed in accordance with the approved design plans. The information is needed to ensure public safety and prevent environmental damage from fill failures.

816/817.81: Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Regulatory authorities rely upon the design certification requirements of 30 CFR 816/817.81 to ensure that the coal mine waste disposal facility is designed in accordance with current, prudent engineering practices and does not present a public hazard or threat to property.

816/817.83: Sections 515(b)(13) and 516(b)(5) of SMCRA require that coal mine waste piles, embankments, and impoundments be designed and constructed in accordance with standards and criteria developed under section 515(f) of SMCRA. Regulatory authorities use the reports required under 30 CFR 816/817.83(d) to ensure that refuse piles are constructed as designed and in a safe and stable manner that will minimize environmental damage and threats to public safety and public and private property.

816/817.87: Under 30 CFR 816/817.87, the operator must develop a plan for extinguishing burning coal mine waste and handling or removing burning or burned coal mine waste, when applicable. The plan must be submitted to and approved by the regulatory authority. However, because this is a requirement that applies only in emergency and unanticipated situations, we are not including a request for an information collection budget for 30 CFR 816/817.87. It is not a routine or recurring event or requirement.

816/817.116: Paragraph (a) of these sections requires that regulatory authorities establish revegetation success standards and statistically valid sampling techniques for use in determining revegetation success and make these standards and techniques available to the public. In combination with 30 CFR 800.40, the other paragraphs of these sections require documentation of compliance with revegetation success standards before the regulatory authority may approve final bond release. Sections 515(b)(19), 515(b)(20), and 516(b)(6) of SMCRA provide the legal basis for these regulations. Sections 515(b)(19) and 516(b)(6) require that surface coal mining and reclamation operations establish a permanent vegetative cover that meets certain criteria on all disturbed lands. Section 515(b)(20) specifies the length of the revegetation responsibility period, which determines in part how long and how many times the permittee must measure revegetation parameters.

817.121: Section 516(b)(1) of SMCRA, which specifies that each permit for an underground mine must require the operator to adopt measures to prevent subsidence to the extent technologically and economically feasible. 30 CFR 817.121(c)(5) specifies that the regulatory authority must require that the operator of an underground mine obtain additional performance bond to cover the cost of correcting any subsidence damage or water supply disruption that lasts beyond 90 days. 30 CFR 817.121(g), requires that each underground mine operator submit a detailed plan of the underground workings within a schedule approved by the regulatory authority. Regulatory authorities use the detailed plans submitted under 30 CFR 817.121(g) to evaluate compliance with the subsidence control plan submitted and approved under 30 CFR 784.20.

817.122: This section specifies that the operator of an underground mine must mail a notification to all owners and occupants of surface property and structures above the planned underground workings at least 6 months before mining. Persons who reside or

own property overlying areas of planned underground mine workings use the notice required under 30 CFR 817.122 to prepare for any potential impacts of that mining.

816/817.131: These sections require that a person who plans to cease surface or underground mining activities on a temporary basis for more than 30 days first notify the regulatory authority. The required information is intended to ensure that the permittee notifies the regulatory authority of the cessation and identifies the environmental monitoring and protection activities that will continue during the period of temporary cessation.

816/817.133: Paragraph (d) of this section, which concerns variances from approximate original contour restoration requirements, includes several provisions requiring notification and consultation with other agencies, written consent from the landowner, and certification by an engineer. However, the information collection burden for these provisions is included as part of the burden for 30 CFR 785.16, which effectively duplicates and incorporates the requirements of 30 CFR 816/817.133(d). Therefore, we are not including a separate information collection burden request for 30 CFR 816/817.133.

816/817.151: Section 515(b)(17) of SMCRA provides that all surface coal mining and reclamation operations must insure that the construction of access roads will control or prevent erosion and siltation, water pollution, property damage, and damage to fish and wildlife or their habitat. Section 516(b)(10) of SMCRA provides that, with respect to the construction of new roads or the improvement or use of existing roads, underground coal mines must operate in accordance with the standards for surface coal mining operations in section 515 of the Act. Regulatory authorities rely in part upon the construction certification requirements of 30 CFR 816/817.151 to ensure that mine roads are constructed in accordance with current, prudent engineering practices and to ensure that they do not present an environmental hazard or threat to 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.

We encourage, but do not require, the use of electronic information collection and submission techniques whenever appropriate and feasible. Generally, monitoring reports and some permit applications are prepared and submitted electronically, while engineering certifications, notification letters, newspaper notices, and preblast surveys are in paper form. We provide training, software, and technical assistance to states to

promote the use of electronic information technology systems. Approximately 95% of responses are currently received 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 collection requirements of 30 CFR Parts 816 and 817 do not duplicate information collection requirements under other laws and regulations. OSMRE is the only Federal agency charged with implementation of SMCRA with respect to performance standards for surface and underground mining activities. As required by SMCRA, our regulations are structured to maximize coordination with other agencies and minimize duplication. When appropriate, our regulations reference or incorporate requirements under the Clean Water Act or Mine Safety and Health Administration requirements rather than establishing separate requirements for the same purpose.

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

There are no special provisions for small businesses or other small entities. Special provisions are not appropriate because the requested information is the minimum needed to ensure or document that mining and reclamation activities are being conducted in a manner that ensures protection of public health and safety and minimizes environmental disturbances.

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.

Failure to collect the information requested under 30 CFR Parts 816 and 817, or collection at less frequent intervals, would impair the ability of OSMRE and state regulatory authorities to ensure that surface and underground coal mining operations are conducted safely and in an environmentally protective manner consistent with the purposes and requirements of the Act. Furthermore, SMCRA specifically requires submission of some of the requested information at the indicated frequency.

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.**

This collection of information conforms with the guidelines in 5 CFR 1320.5(d)(2); for example, 30 CFR Parts 816 and 817 do not require that collection of information be conducted in a manner that—

- requires respondents to report information to the agency more often than quarterly;
- requires respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requires respondents to submit more than an original and two copies of any document;
- requires 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, is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requires the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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

- requires 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.

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 mining entities with direct involvement with compliance requirements currently imposed by 30 CFR Parts 816 and 817 that prepare and submit mining permit applications. A concise description of the type of information collection burden was provided with a request for input on the associated information collection requirements and any other comments they wished to make regarding the clarity of the regulations and potential burden.

Farrell Cooper Mining
7320 Rogers Ave, Fort Smith,
AR 72903

Navajo Transitional Energy Company (NTEC)
P.O. Box 958
Shiprock, NM 87420

Howard Engineering & Geology, Inc.
2550 W HWY 72, Suite 1
Harlan, KY 40831

Schnabel Engineering
10900 Nuckols Rd, Suite 210
Glen Allen, VA 23060

Montana Department of Environmental Quality
DEQ Coal Section
1218 E 6th Avenue, Helena, MT 59601

Clarification and suggestions for accurate inventory counts of impoundments were made regarding annual construction and definition of sediment ponds which differ from refuse waste impounding structures. We revised the number of responses to reflect the actual inventory and the estimated annual number of newly constructed impoundments. Although invited to do so, respondents did not comment on the availability of data, the frequency of collection, and the clarity of instructions or the data elements reported.

On April 17, 2024, OSMRE published in the Federal Register (89 FR 27448) 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.

No confidential information is solicited under 30 CFR Parts 816 and 817. However, with respect to information required under other regulations, the permit applicant has the right to request confidentiality for such information as analysis of the chemical and physical properties of the coal to be mined. 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 archeological resources on public lands and Indian lands 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."**

a. Burden Hour Estimates for Respondents

Permit inventory and annual new permits (Average 2021-2023)

	Current active	Current inactive	Total inventory	Annual new permit applications	Annual permits (inactive) released in reclamation
Surface	1,724	544	2,268	76	59
Underground	961	460	1,420	25	50
Other facilities	945	180	1,125	22	20
Total	3,630	1,183	4,813	123	129

Average of 3 years, 2021-2023

Burden hours have been reduced primarily because of updates to the inventory count of permits and associated structures such as impoundments and refuse piles. Independent structures are located within a permitted area with other structures such as roads, preparation plants, ponds for storm drainage, and refuse piles. According to contacts (identified in 8 above) impounding structures for refuse waste are infrequently newly constructed but are more commonly modified to increase capacity and now used to serve more than one mine site.

We have revised the number of existing structures to accurately reflect this change in industry practices. As a result, the number of responses has decline due the revised inventory. The number of responses is directly linked to permitting actions and permit counts. In addition, because the number of permits is falling it reduces total burden hours while the hours per response have remained stable.

The following tables summarize the information collection requirements and changes to the current collection burden for 30 CFR Parts 816 and 817.

Annual estimated responses of permittees

Parts 816/817 sections	Compliance tasks	Current or new permits	Number of applicable permits	Frequency of tasks performed annually per permit	Annual responses
0.41	Water monitoring	Current all active and 50% of inactive	4,222	4 samples annually at 4 locations per permit	67,552
0.43	Certify stream channel design and construction	25% of new	31	2 certifications per permit	62
0.49	Certify new impoundment construction	New	4	2 certifications per permit	8
0.49	Certification of current impoundment	Current for waste	600	1 certification per permit	600
0.62	Pre-blast survey notices	New surface underground	101	25 notices per permit	2,525
0.64	Advanced blasting schedule notice to public	50% current surface and underground	1,342	1 notice per permit	1,342
0.67	Blasting requirements	50% current surface and underground	1,342	135 occasions per permit annually	181,170
816.71	Excess spoil placement surface	50% current active 3 states (KY,VA, WV)	508	4 inspections at 2 locations per permit	4,064
817.71	Excess spoil placement underground	50% current active 3 states (KY,VA, WV)	382	4 inspections at 1 location per permit	1,528
0.81	Certification mine waste disposal	10% new surface 90% new underground	31	1 certification per new permit	31
0.83	Refuse piles	Current active	500	4 inspections per refuse site permit	2,000
0.116	Revegetation standards	Inactive by achieving phase reclamation	129	1 certification per permit achieving reclamation	129
817.121	Underground subsidence control	New underground	25	1 certification per new permit	25
817.122	Underground subsidence control plans	50% current active underground	481	3 notifications per permit 2 times annually	2,886
0.131	Temporary cessation	4% of all current active	145	1 application per permit	145
0.151	Road construction	All new permits	123	1 application per permit	123
Total					264,190

Annual estimated responses of state regulatory authorities

Parts 816/817 sections	Compliance tasks	Current or new permits	Number of applicable permits	Frequency of tasks performed annually per permit	Annual responses
0.43	Approve stream-channel diversion	New	31	1 per permit	31
0.57	Buffer zone findings report	Current	560	1 per permit	560
0.116	Modify standards for revegetation success	Inactive	2	1 per permit	2
Total					593

Annual burden summary by Section and Respondents

Parts 816/817 Sections	Permittee Operator			State Regulatory Authority		
	Responses	Hours per response	Total annual hours	Responses	Hours per response	Total annual hours
0.41	67,552	5	337,760	0	0	0
0.43	62	31	1,922	31	53	1,643
.49 (new construction)	8	336	2,688	0	0	0
.49 (existing maintenance)	600	145	87,000	0	0	0
0.57	0	0	0	560	40	22,400
0.62	2,525	8	20,200	0	0	0
0.64	1,342	4	5,368	0	0	0
0.67	181,170	2	362,340	0	0	0
816.71	4,064	29	117,856	0	0	0
817.71	1,528	29	44,312	0	0	0
0.81	31	47	1,457	0	0	0
0.83	2,000	12	24,000	0	0	0
0.116	129	170	21,930	2	120	240
817.121	25	40	1,000	0	0	0
817.122	2,886	4	11,544	0	0	0
0.131	145	4	580	0	0	0
0.151	123	34	4,182	0	0	0
Total	264,190		1,044,139	593		24,283

Summary of Total Changes in Annual Burden

Parts 816/817	Industry and State Totals			
Sections	Responses	Requested hours	Approved burden hours	Change
0.41	67,552	337,760	359,920	-22,160
0.43	93	3,565	37,375	-33,810
.49 (new construction)	8	2,688	30,780	-28,092
.49 (existing maintenance)	600	87,000	364,104	-277,104
0.57	560	22,400	47,120	-24,720
0.62	2,525	20,200	27,000	-6,800
0.64	1,342	5,368	7,616	-2,248
0.67	181,170	362,340	385,460	-23,120
816.71	4,064	117,856	177,248	-59,392
817.71	1,528	44,312	348	43,964
0.81	31	1,457	564	893
0.83	2,000	24,000	56,808	-32,808
0.116	131	22,170	148,542	-126,372
817.121	25	1,000	1,440	-440
817.122	2,886	11,544	10,844	700
0.131	145	580	608	-28
0.151	123	4,182	6,290	-2,108
Total	264,783	1,068,422	1,662,067	-593,645

b. Estimated Annual Wage Cost to Respondents

OSMRE 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-24-1172, dated June 18, 2024, Employer Costs for Employee Compensation – March 2024(<http://www.bls.gov/news.release/pdf/ecec.pdf>).

Permit compliance maintenance and new permitting reviews require several specialized positions to achieve compliance requirements. The exact level in time varies depending on specific activity. We estimate wage costs by representing workload and contributed hours by major occupational categories for performing compliance tasks including administrative support, engineering technician, safety technician, physical scientist, mining engineer, and operations manager.

Industry Wage Cost

Occupation (BLS)	Hourly rate \$ (BLS)	Hourly rate \$ w/benefits (1.4)	Time contribution hours	Wage cost \$
Administrative support	24.36	34.10	52,207	1,780,466
Engineering Technologist	34.11	47.75	678,690	32,410,179
Safety technician	36.52	51.13	52,207	2,669,237
Physical scientist	55.84	78.18	52,207	4,081,331
Mining engineer	49.16	68.82	156,621	10,779,273
Operations manager	72.77	101.88	52,207	5,318,740
Total			1,044,139	57,039,225

Using hourly wage rates and workload hours by occupation totaling 1,044,139, the estimated total annual wage cost for industry is \$57,039,225.

State regulatory wage rates are represented by the occupation category for a state physical scientist where the majority of the workload falls for compliance reviews and setting standards. Using BLS wage rate for this position, we estimate that the wage cost is \$67.38 per hour ($\42.11×1.6) including benefits. Based on burden hour estimates it requires state regulatory authorities 24,283 hours annually to review and prepare findings for Parts 816 and 817. Using the above wage estimate, the total wage cost to all state regulatory authorities is \$1,636,189 ($\$67.38 \times 24,283$ hours).

Therefore, we estimate that the annual wage cost for all respondents will be \$58,675,414 ($\$57,039,225$ for industry + $\$1,636,189$ for state regulatory authorities).

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.**

Non-wage cost changes from the previous renewal are largely the result of the decrease in (1) annual frequency of responses with updated inventory of impounding structures and (2) an overall decline in total number of existing permits and new applications for permits. Thus, non-wage cost is reduced cost by \$3,725,684.

Summary of non-wage cost with changes

Parts 816/817 sections	Requested non-wage cost	Current non-wage Cost	Change
0.41	17,280,936	18,414,716	-1,133,780
0.43	312	3,276	-2,964
.49 (construction)	270	27,300	-27,030
.49 (maintenance)	40,445	1,022,658	-982,213
0.57	28,314	59,560	-31,246
0.62	426,361	569,888	-143,527
0.64	373,053	529,279	-156,226
0.67	1,130,304	1,603,233	-472,929
.71 (underground)	821,939	2,184	819,755
.71 (surface)	278,096	1,236,144	-958,048
0.83	202,222	478,660	-276,438
0.116	35,869	385,385	-349,516
0.121	1,264	1,820	-556
0.122	8,754	8,223	531
0.151	22,808	34,305	-11,497
Total	20,650,947	24,376,631	-3,725,684

- 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.**

Federal government cost is based on compliance work performed as an oversight authority and as a primary regulatory for the 3 states that do not have regulatory programs and three tribes. Additional Federal program responsibility was added with the addition of Oklahoma in 2021.

OSMRE calculates employee costs using Federal employee pay tables from the Office of Personnel Management's website at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/RUS_h.pdf. We have included a 1.6 multiplier for benefits as discussed in the BLS news release USDL-24-1172.

The cost to the Federal Government is based on wage rates for GS-13/5 (Environmental regulatory specialist). Hourly Federal wage cost is \$89.86/hour (\$56.16 x 1.6). Using this rate (shown in table below), Federal cost is \$65,149 (\$89.86/hour x 725 hours).

Summary of Federal Government Costs

Parts 816/817 sections	Oversight hours	Federal Program Hours	Total Hours	Total Federal government costs \$
0.41	40	0	40	3,594
0.43	40	25	65	5,841
0.49	120	0	120	10,783
0.57	40	120	160	14,378
0.62	20	0	20	1,797
0.64	20	0	20	1,797
0.67	20	0	20	1,797
0.71	40	0	40	3,594
0.81	20	0	20	1,797
0.83	40	0	40	3,594
0.116	40	120	160	14,378
0.131	20	0	20	1,797
Total	460	265	725	65,149

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

The current OMB-approved information collection burden for this information collection is 1,662,067 hours. We are now requesting 1,068,422 burden hours for these sections, a decrease of 593,645 hours. This decrease is largely result of improved inventory enumeration of impounding structures reducing the number of responses and an overall reduction in the number of new permits issued annually and with declining level of existing permits.

1,662,067 hours currently approved by OMB
- 593,645 hours due to an adjustment (decreased activity)
1,068,422 hours requested

The currently approved non-wage cost burden is \$24,376,631. Our request is for \$20,650,947, a decrease of \$3,725,684. This decrease is primarily due to the reduced sampling frequency required on fewer permits.

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, "Certification for Paperwork Reduction Act Submissions."