

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
43 CFR Part 3400 Coal Management
OMB Control Number 1004-0073

Terms of Clearance: None.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Bureau of Land Management (BLM) seeks approval for an extension of the information collection requirements contained in 43 CFR part 3400. These regulations implement the following statutes:

- The Mineral Leasing Act of 1920 (MLA), including the Federal Coal Leasing Amendments Act of 1976 (FCLAA), (30 U.S.C. 181 *et seq.*);
- The Mineral Leasing Act for Acquired Lands, (30 U.S.C. 351-359);
- The Federal Land Policy and Management Act, (43 U.S.C. 1761-1771) (FLPMA);
- The Surface Mining Control and Reclamation Act, (30 U.S.C. 1201 *et seq.*) (SMCRA);
- The Multiple Mineral Development Act of 1954, (30 U.S.C. 521-531);
- The National Environmental Policy Act, (42 U.S.C. 4321) (NEPA);
- The Act of October 30, 1978 (92 Stat. 2073-2075); and
- Section 2505 of the Energy Policy Act of 1992 (Public Law 102-486).

2. Explain how, by whom, how frequently, and for what purpose the information is 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.]

The BLM needs the required information to:

- Learn the extent and qualities of public coal resources;
- Evaluate the environmental impacts for coal leasing and development;
- Determine the qualifications of prospective lessees to acquire and hold Federal coal leases;
- Administer statutes applicable to coal mining, production, resource recovery and protection, operations under coal leases, and exploration under leases and licenses;
- Ensure lessee compliance with applicable statutes, regulations, and lease terms and conditions; and
- Ensure that accurate records are kept of all Federal coal produced.

All information collection requirements are consistent with the authority of the Secretary of the Interior:

- Manage publicly owned coal through lease or exchange;
- Oversee the statutes related to exploration, development, production, resource recovery

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- and protection, and certain abandonment procedures; and
- Require that licensees conduct their activities in an environmentally sound manner.

In most cases, we do not require a specific form to collect the required resource and environmental information, since we generally gather the information through the course of industry operations.

(a) 43 CFR Subpart 3400; Coal Lease, Form 3400-12.

This form contains the standardized contractual text for a new lease. The BLM may add additional special stipulations as required. The form is completed by the BLM. The prospective lessee only needs to have an officer authorized to conduct business sign the form to officially establish the lease.

(b) 43 CFR Subpart 3440; License to Mine, Form 3440-1.

This form contains the BLM standardized contractual text for a new license to mine. The BLM may add additional special stipulations as required. The form is completed by the BLM. The prospective licensee only needs to have an officer authorized to conduct business sign the form so that the license is officially established.

(c) 43 CFR Subpart 3410; Exploration Licenses.

■ **43 CFR 3410.2-1; Application for an exploration license.**

The BLM requires that applicants apply for an exploration license to conduct exploration on unleased public lands to determine the extent and specific characteristics of the public coal resources. The BLM uses no specific form to collect the information. The applicant must submit the following information:

- A description of the area to be drilled; and
- Three copies of an exploration plan that includes the exact location of the affected lands, the name of the party conducting the exploration, a description of the proposed methods and extent of exploration, and reclamation.

The BLM uses the information in the application to:

- Locate the proposed exploration site;
- Determine if the lands are subject to entry for exploration; and
- Make sure the plan is adequate to safeguard resource values, public and worker health, and safety.

■ **43 CFR 3410.3-1; Issuance and termination of an exploration license.**

Based on the information the applicant submits for an exploration license in Item (a), the BLM determines whether or not to issue an exploration license or to reject the application. If the BLM

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issues an exploration license, the licensee must comply with:

- Relevant statutory and regulatory provisions;
- Mitigating or eliminating environmental impacts to the exploration area; and
- Requirements and stipulations contained in the license.

The BLM will also use this information from a licensee to estimate the fair market value of the coal and other resources contained in the license area and to determine if we will offer the land area for lease. The BLM uses no specific form to collect the information.

■ **43 CFR 3410.3-3; Operating requirements for exploration.**

The BLM requires licensees and lessees to submit all drilling and geophysical records or logs. The BLM uses this information to conduct inspections. The BLM uses no specific form to collect the information.

■ **43 CFR 3410.4; Collection and submission of data.**

The BLM requires licensees to collect and submit ground and surface water information during exploration operations. The BLM uses this information to estimate coal resource values and to monitor any environmental impacts to water resources. The BLM uses no specific form to collect the information.

■ **43 CFR 3473.2(b); Fees**

There is an application fee of \$275 required for each application for an exploration license.

(d) **43 CFR Subpart 3420; Regional Coal Leasing.**

■ **43 CFR 3420.1-2; Call for coal resource and other resource information.**

Interested parties with information on Federal coal resources may voluntarily submit coal and other resource information that the BLM can use in preparing a land-use plan. The BLM uses this information to identify any sensitive resources (such as cultural sites or wildlife habitat), and to identify areas of preliminary interest in coal leasing or opposition to coal leasing. The BLM uses no specific form to collect the information.

■ **43 CFR 3420.1-4(e); Surface owner consultation.**

The BLM must consult with qualified surface owners before determining whether or not to lease Federal coal. The BLM requires surface owners to submit their preferences for or against surface mining and provide evidence they are qualified to hold a Federal coal lease. The BLM uses this information to determine whether or not the lands will be considered for coal leasing and if the surface owners qualify to hold a Federal coal lease. The BLM uses no specific form to collect the information.

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■ **43 CFR 3420.3-2; Expressions of leasing interest.**

Industry, public bodies, and small entities may submit geological and geographical information for specific areas to assist the BLM in determining whether or not coal leasing will occur. The BLM uses this geologic and geographical information to study and determine future coal leasing opportunities. The BLM uses no specific form to collect the information.

(e) **43 CFR Subpart 3422; Coal Lease Sales.**

■ **43 CFR 3422.2; Response to notice of sale.**

The BLM requires bidders to submit the following information along with the sealed bid:

- A statement that the bidder is the sole party of interest in the application or bid;
- Verification of bidder's U.S. citizenship or, if a corporation, a list of alien stockholders; and
- Other documents concerning coal business and coal and energy holdings.

The BLM uses this information to determine the qualifications of the prospective lessees to acquire and hold Federal coal leases. The BLM uses no specific form to collect the information.

■ **43 CFR 3422.3-4; Consultation with the Attorney General.**

The BLM requires the successful bidder to submit information relating to the bidder's coal holdings to the BLM for transmittal to the Attorney General, who determines coal leasing compliance with the Sherman Antitrust Act, 15 U.S.C. 1-7. The successful bidder may submit this coal-lease holding information to the BLM in a sealed envelope on a form approved by the Justice Department. The BLM forwards the sealed information to the Justice Department to determine whether or not issuing a coal lease to the successful bidder would create an anti-competitive situation.

(f) **43 CFR Subpart 3425; Leasing-On-Application.**

The BLM requires applicants to submit information to request emergency leasing or leasing outside of a certified Federal coal production region or eastern activity planning area.

- For emergency coal lease sales, the information required includes:
 - Documentation that an "emergency" situation exists; and
 - Documentation that coal reserves applied for will be mined as part of a producing mining operation;
 - Information about the existing mining operation; and
 - The intended use of the coal.
- For leasing outside of Federal coal production regions, the required information covers:
 - Scope, method, and schedule of exploration operations;

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- Existing land uses and resources that may be affected;
- Method of mining anticipated; and
- Proposed fire prevention measures and measures to mitigate environmental degradation.

The BLM uses this information to:

- Determine whether or not an emergency exists for leasing the Federal coal;
- Determine whether or not we will allow for sales outside of the Federal coal production region;
- Evaluate the land area availability and suitability for coal leasing; and
- Determine the appropriateness of the mining proposal submitted.

The BLM uses no specific form to collect the information.

■ **43 CFR 3473.2(f); Fees**

Applicants for a competitive coal lease are required to pay all the processing costs on a case-by-case basis. The BLM will provide the applicant an estimate of the processing fees before processing begins. The applicant may appeal the BLM's estimated costs, but the BLM will not begin processing an application until the applicant and the BLM have arrived at a mutually agreeable cost estimate. The agreed cost can be amended as conditions change. The BLM will halt processing an application if the applicant has not provided funds sufficient to compensate for future processing steps. The BLM processing cost does not include any required studies or analyses that are completed by third party contractors and funded by the applicant. The regulations at 43 CFR 3000.11 provide the regulatory framework for determining the cost recovery value.

Prospectively estimating the value of the BLM's processing costs for a lease by applicant is difficult because there can be considerable variation in the processing cost depending of size and where the prospective lease is located. For the purposes of this information collection analysis, we are assuming the BLM estimates that the cost recovery value will be equal to the BLM's estimated average processing cost of \$172,323 per lease application.

(g) 43 CFR Subpart 3427; Split Estate Leasing (Surface Owner Consent).
■ **43 CFR 3427.2(c); Surface owner consent.**

A prospective lessee and the qualified surface owner may execute consents/written agreements on the split-estate tract. The BLM requires prospective lessees to submit a copy of any relevant agreements to us before we offer the split-estate tract for lease sale. The agreement must contain the following information:

- Present legal name and address of all qualified surface owners;
- The express consent of the qualified surface owner; and
- The name, ownership interest, and legal address of the party making the filing (generally

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this is the lease applicant).

The BLM uses this information to contact the prospective lessees and surface owners concerning the split-estate coal lease tract if we plan to offer for lease sale. The BLM uses no specific form to collect the information.

(h) 43 CFR Subpart 3430; Preference Right Leasing.
■ **43 CFR 3430.2-1 and .4-1; Preference right lease application (PRLA).**

The holder of a prospecting permit may apply for a non-competitive preference right coal lease. The BLM requires the applicant to:

- Demonstrate that coal in commercial quantities was discovered on the lands under the prospecting permit;
- Submit information on the quantity and quality of the coal resources discovered within the boundaries of the permit area;
- Submit the proposed mining operation plan as part of the application;
- Submit the initial showing which includes:
 - Coal quality and quantity data;
 - A map of the areas; and
 - A narrative statement of the scope of the proposed operation.
- Submit the final showing, which includes cost and mining data, to demonstrate that the cost of mining does not exceed the value of the resources.

The BLM uses this information to determine whether or not an applicant qualifies for a preference right coal lease. The BLM uses no specific form to collect the information.

(i) 43 CFR Subpart 3433; Lease Modifications.
■ **43 CFR 3432.1; Application.**

A lessee may voluntarily apply to the BLM to modify an existing lease to add contiguous lands of up to 160 acres. The BLM requires the lessee to supply information describing the additional lands desired, the need for the modification, and the reasons why the modification would be advantageous to the United States. The BLM uses this information to determine the public interest of the United States and to assist in determining the fair market value of the land covered by the modification. The BLM uses no specific form to collect the information.

■ **43 CFR 3473.2(g); Fees**

Applicants for a lease modification are required to pay the processing costs on a case-by-case basis. The BLM will provide the applicant an estimate of these processing fees before processing begins. The applicant may appeal the BLM's estimated costs, but the BLM will not begin processing the application until the applicant and the BLM have arrived at a mutually

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agreeable cost estimate. The agreed cost can be amended as conditions change. The BLM will halt processing an application if the applicant has not provided sufficient funds to compensate for future processing steps. The processing cost does not include any required studies or analyses that are complete by third party contractors and funded by the applicant. The regulations at 43 CFR 3000.11 provide the regulatory framework for determining the cost recovery value.

Prospectively estimating the value of the BLM's processing costs for a lease modification is difficult because there can be considerable variation in the processing cost depending of size and where the prospective lease modification is located. For the purposes of this information collection analysis, the BLM estimates that the cost recovery value will be equal to the BLM's estimated average processing cost of \$9,208 per lease modification.

(j) 43 CFR Subpart 3440; Licenses to Mine.

The BLM requires applicants to submit Form 3440-1 to collect information concerning the land applied for, the estimated tonnage to be mined annually, and the applicant's qualifications to hold a license to mine. If the applicant is a municipality, we require additional information about the municipality's organization and authorization to hold a license to mine and evidence that the application has been authorized by the municipality's governing body. (See 43 CFR 3472.2-5.) The BLM uses the information to verify the qualifications of applicants to hold a license to mine.

■ **43 CFR 3473.2(a); Fees**

There is an application fee of \$10 required for each application for a license to mine.

(k) 43 CFR Subpart 3452; Relinquishment, Cancellation, and Termination.

■ **43 CFR 3452.1-1 and .1-2; Relinquishments.**

A lessee or licensee may voluntarily submit a request in writing to the BLM to relinquish the entire lease, exploration license, or license to mine or surrender a legal subdivision or aliquot part of a lease. The BLM lessee or licensee must file the request to relinquish in the BLM State Office having jurisdiction over the lands involved. The BLM uses this information to determine whether or not to grant the relinquishment and to maintain accurate and complete knowledge of the extent and location of Federal coal holdings. The BLM uses no specific form to collect the BLM information.

(l) 43 CFR Subpart 3453; Transfers by Assignment, Sublease or Otherwise.

■ **43 CFR 3453.2-1; Forms and statements.**

Coal lessees may transfer record title interest to parties qualified to hold such leases. The BLM must approve the record title transfer application. The BLM requires the following information:

- Evidence of the transferee's qualifications to hold a Federal coal lease;
- A statement of the transferee's Federal coal lease acreage holdings; and

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- Any value paid or promised for the lease.

The BLM uses the information to determine whether the transfer party meets the qualification requirements and to provide coal resource value information to estimate the fair market value of the coal resources. The BLM uses no specific form to collect the information.

- **43 CFR 3473.2(c); Fees**

There is an application fee of \$55 required for each application for a transfer of title.

- (m) **43 CFR Subpart 3471; Coal Management Provisions and Limitations.**
 - **43 CFR 3471.1-1; Land description requirements.**

The BLM requires applicants to submit a complete description of the lands and any legal surveys before an exploration license, license to mine, or Federal coal lease may be issued. The BLM uses the information to ensure that we know the exact location of leases and licenses for an exact accounting of the Federal coal resources. The BLM uses no specific form to collect the information.

- **43 CFR 3471.4; Future interest, acquired land.**

Interested entities may file a future interest lease application to the BLM to lease lands. The future interest application that covers the proposed mining operation and interest in the Federal coal must be filed no more than two years before the date the lands will vest to the United States. The BLM uses this information to determine whether or not we will allow coal leasing, to evaluate the land area's availability and suitability for coal leasing, and the appropriateness of the mining proposal submitted. The BLM uses no specific form to collect the information.

- (n) **43 CFR Subpart 3472; Lease Qualification Requirements.**
 - **43 CFR 4372.1-2; Special leasing qualifications.**

Prospective lessees, including prospective lessees through assignments, must submit to the BLM the following information:

- Self-certified statement of qualifications to acquire or hold Federal coal leases;
- Signed qualification statements about acreage holdings in Federal coal leases;
- Citizenship (if an individual);
- Percentage of alien stock ownership (if a corporation); and
- Listing of other corporate family entities that may participate in mineral leasing under the MLA.

The BLM uses the information to determine the qualifications of the prospective lessees to acquire and hold Federal coal leases. The BLM uses no specific form to collect this information.

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■ **43 CFR 3472.2 *et seq.*; Qualification Statements.**

Prospective lessees, including the estates of deceased lessees and public bodies seeking special set aside sales, may submit qualifying information to the BLM. If the applicant or bidder dies before the BLM issues a lease or license to mine, heirs of the estate may receive the lease or license by submitting the following information under section 3472.2-4:

- Evidence that the person who acts as executor has the authority to act on the application;
- Evidence that the heirs or devisees are the only ones for the deceased; and
- Proof of citizenship.

The BLM uses this information to determine whether we may issue the lease or license to the heirs or devisees.

If the applicant for a lease sale is a public body and desires a public body set aside lease sale, the application for lease sale must contain the following information:

- Evidence of the manner in which the public body is organized;
- Evidence that the public body is authorized to hold a public body lease;
- A definite plan to produce energy within 10 years of lease issuance solely for the public body's use or for sale to its members or customers; and
- Evidence that the definite plan has been authorized by the governing body.

The BLM uses this information to determine whether or not the applicant is a public body and whether or not to hold a public body set aside lease sale. The BLM uses no specific form to collect the information.

(o) **43 CFR Subpart 3474; Bonds.**

- **43 CFR 3410.3-4, 3453.2-4, 3474.1, and 3474.2; Bonds.**

The lessee or licensee must furnish proof of a bond to the BLM before an exploration license, license to mine, or Federal coal lease may be issued or transferred. The BLM reviews and approves the bond information to indemnify the United States against default on payments due or other obligations. The BLM may also adjust the bond amount to reflect a change in conditions. We will terminate the bond when all requirements are satisfied. The BLM uses no specific form to collect the information.

(p) **43 CFR Subpart 3481; General Provisions.**

- **43 CFR 3481.1; General obligations of the operator/lessee.**

The operator/lessee must submit to the BLM an immediate report of conditions or accidents that could affect mining operations conducted under the approved mining plan or that threaten significant loss of The BLM coal or damage to the mine, lands, or other resources. Within 30 days of an accident, the operator/lessee must submit a detailed report of the damage caused and of the corrective action(s) taken.

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The BLM uses the information to ensure mining operations are conducted in a manner which poses no imminent danger to the public health and safety or the safety and welfare of the miners, and that any unsafe or potentially hazardous conditions are corrected in an appropriate manner. The BLM also uses the information to ensure that Federal coal and other resources are protected and that we achieve maximum economic recovery. The BLM uses no specific form to collect the information.

(q) 43 CFR Subpart 3482; Exploration and Resource Recovery and Protection Plans.

■ **43 CFR 3482.1(a); Exploration plans.**

The BLM requires coal licensees and lessees to file exploration plans, containing the following information:

- The exact location of the affected lands;
- The name of the party conducting the exploration; and
- A description of the proposed methods and extent of exploration and reclamation.

The BLM uses the information to determine whether or not the licensee or lessee would explore for and reclaim the exploration area in an environmentally sound manner and would not unduly damage the coal or other resources. The BLM uses no specific form to collect the information.

■ **43 CFR 3482.1(b); Resource recovery and protection plans (R2P2's).**

The BLM requires coal lessees to file resource recovery and protection plans, which are required to contain the following information:

- Names and addresses of the operator and the person or persons to whom correspondence should be sent;
- A general description, with appropriate maps, of the geological conditions and mineral resources, including the results of any coal analyses, within the lease area;
- A description of the proposed mining operation, mining and abandonment methods, equipment to be utilized and the mining sequence;
- A general reclamation schedule for the life of the mine; and
- An explanation of how maximum economic recovery of the coal resource would be achieved.

The BLM uses this information to ensure that lessees mine Federal coal in an environmentally acceptable manner and comply with the statutory requirement for maximum economic recovery. The BLM uses no specific form to collect the information.

■ **43 CFR 3482.2; Modification to exploration plans and R2P2's.**

Coal lessees and licensees must request the BLM to approve any changes in previously approved

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exploration plans and R2P2's. The request must be in writing. The BLM uses the information to determine whether or not to grant the requested changes applied for and to provide an accurate accounting of exploration or mining activities on Federal coal. The BLM uses no specific form to collect the information.

■ **43 CFR 3482.3; Mining operations maps.**

Coal lessees must submit to the BLM current maps of surface and underground mines involving Federal coal leases. The maps must include the following information:

- The name of the mine and of the operator and lessee;
- All lease and mining permit boundaries;
- All lease and license serial numbers;
- The strike and dip of all coal beds being mined;
- The map scale and orientation;
- The location, depth, and diameter of all auger mining holes; and
- The topography and geologic conditions, including the extent of mine development to date and all areas of active mining.

Lessees may also provide to the BLM vertical projections and cross-sections of the mine workings. The BLM uses the information for production reporting. The BLM uses no specific form to collect the information.

(r) **43 CFR Subpart 3483; Diligence Requirements.**

■ **43 CFR 3473.4 and 3483.3; Lease Suspensions.**

Coal lease operators and lessees may apply to the BLM for a suspension of the operation and production requirements. The BLM coal lease operators and lessees must submit sufficient financial and technical information to justify a suspension of the operation and production requirements. The BLM uses this information to determine whether the situation meets the lease suspension criteria and whether granting the BLM suspension would be in the public interest. The BLM uses no specific form to collect the information.

■ **43 CFR 3483.4; Payment of advance royalty in lieu of continued operation.**

For a period of up to 10 years after the lease has achieved diligent development, coal lessees may pay to the BLM advance royalties in lieu of meeting the continued operation requirement. Coal lessees must apply in writing to the BLM to pay advance royalty and file within 30 days of the beginning of each continued operation year the lessee is seeking to pay advance royalty in lieu of continued operation of the lease. The BLM uses this information to determine the lessee's eligibility to begin payment, or to continue payment of advance royalties, and to provide a proper accounting of the lessee's status. The lessee cannot pay advance royalty until the BLM authorizes such payment. The BLM uses no specific form to collect the information.

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- (s) **43 CFR Subpart 3484; Performance Standards.**
■ **43 CFR 3484.1(a); Performance standards for exploration.**

The BLM requires lessees and licensees to retain for 1 year all drilling and geophysical records or logs, and make them available for the BLM inspection. The BLM may also require retention of representative core samples from exploratory drilling for 1 year. These records, logs, and samples are kept by the industry as a routine operating practice. This requirement therefore imposes no additional record keeping burden on coal lessees and licensees. The records, logs, and samples provide information necessary to determine the nature and extent of coal resources on Federal lands and to monitor and adjust the extent of coal reserves contained therein. The BLM uses this information to evaluate the maximum economic recovery and fair market value of the lease tract. The BLM uses no specific form to collect the information.

- **43 CFR 3484.1(b); Performance standards for surface and underground coal mines.**

The BLM requires lessees to report promptly any unexpected wells that are encountered during mining activities on a lease. The BLM uses the information to determine the maximum economic recovery of the coal resource. The BLM uses no specific form to collect the information.

- (t) **43 CFR Subpart 3485; Royalty Rate Reductions.**
■ **43 CFR 3473.3-2 and 3485.2(c); Lease rental and royalty rate reductions.**

Coal lessees may apply to the BLM for temporary waivers, suspensions, or reductions of the rental and royalty rates specified in the lease terms. The lessee must submit information to the BLM to justify this benefit and include sufficient technical and financial information to determine whether or not such a reduction, suspension, or waiver would:

- Encourage the greatest ultimate recovery of the coal resource;
- Conserve the resource;
- Promote the development of the resource; or
- Allow continued operation on a lease that could not otherwise successfully operate.

The BLM uses the information to determine whether or not to grant temporary waivers, suspensions, or reductions of the rental and royalty rates. The BLM uses no specific form to collect the information.

- **43 CFR 3473.2(d); Fees**

Applicants for a royalty rate reduction are required to pay the BLM processing costs on a case-by-case basis. The BLM will provide the applicant an estimate of these processing fees before

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processing begins. The applicant may appeal the BLM's estimated costs, but the BLM will not begin processing the application until the applicant and the BLM have arrived at a mutually agreeable cost estimate. The agreed cost can be amended as conditions change. The BLM will halt processing an application if the applicant has not provided sufficient funds to compensate for future processing steps. The processing cost does not include any required studies or analyses that are completed by third party contractors and funded by the applicant. The regulations at 43 CFR 3000.11 provide the regulatory framework for determining the cost recovery value.

Prospectively estimating the value of the BLM's processing costs for a royalty rate reduction is difficult because there can be considerable variation in the processing cost depending on complexity and where the prospective royalty rate reduction is located. For the purposes of this information collection analysis, the BLM is estimating that the cost recovery value will be equal to the BLM's estimated average processing cost of \$3,946 per royalty rate reduction.

(u) 43 CFR Subpart 3485; Exploration and Production Reporting.
■ **43 CFR 3485.1 (a) through (c); Exploration reports.**

Operators or lessees must file exploration reports annually within 30 days after the end of each calendar year and within 1 year after the completion of drilling operations. These reports contain maps and narrative descriptions of the location, number, nature of exploration, and reclamation activities conducted on the license or lease. The final report must contain an estimate of the lease or license coal reserves. The BLM uses this information to determine the characteristics and extent of site-specific coal resources. The BLM uses no specific form to collect the information.

■ **43 CFR 4385.1(d) and 3485.3; Production reports.**

Coal lessees and LMU holders must report to the BLM all coal mined and the basis for computing the production royalty owed within 30 days after the production reporting period. Holders of licenses to mine must report production to the BLM on a semi-annual basis. The BLM uses this information to manage Federal coal resources and to determine the amount of coal removed from the license area. The BLM uses no specific form to collect the information.

Lessees and LMU holders must maintain current and accurate production and contract price records and provide access to them for a period of time to be determined on a case-by-case basis. The BLM uses this information to determine whether the lessees are complying with various statutory and regulatory requirements, including whether the lessees are honestly paying all royalties and rentals owed and diligently producing coal.

(v) 43 CFR Subpart 3486; Inspection, Enforcement, and Appeals.
■ **43 CFR 3486.2; Notices and Orders.**

Lessees and licensees must provide the BLM with the current names and addresses of the lease

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operators on coal mining operations. The BLM uses this information to contact the operators of the coal mining operations. The BLM uses no specific form to collect the information.

■ **43 CFR 3486.3; Notices of noncompliance.**

The BLM will issue a notice of noncompliance to the operators, lessees, or licensees specifying the nature of violations on coal mining operations. The operator or lessee must submit in writing a report to the BLM when the violations are corrected. The BLM uses this information to enforce the statutory provisions for maximum economic recovery, diligent development, continued operations, and resource recovery and protection plans. The BLM uses no specific form to collect the information.

(w) **43 CFR Subpart 3487; Logical Mining Unit.**

■ **43 CFR 3475.6, 3481.2, and Subpart 3487; Logical mining units (LMU's).**

Applicants must submit the following information for the BLM to determine whether or not a logical mining unit would meet the statutory and regulatory requirements:

- A description of the lands and coal reserves (both Federal and non-Federal) to be included in the LMU;
- A description of the methods and a schedule for mine development;
- Certification that the lands are under the control of a single operator; and
- Sufficient data to determine whether or not maximum economic recovery of the Federal resource would be achieved by mining operations within the LMU.

The BLM uses this information to determine whether or not to allow formation of logical mining units. The BLM uses no specific form to collect the information.

● **43 CFR 3473.2(e); Fees**

Applicants for a logical mining unit are required to pay the BLM processing costs on a case-by-case basis. The BLM will provide the applicant an estimate of these processing fees before processing begins. The applicant may appeal the BLM's estimated costs, but the BLM will not begin processing the application until the applicant and the BLM have arrived at a mutually agreeable cost estimate. The agreed cost can be amended as conditions change. The BLM will halt processing an application if the applicant has not provided sufficient funds to compensate for future processing steps. The processing cost does not include any required studies or analyses that are completed by third party contractors and funded by the applicant. The regulations at 43 CFR 3000.11 provide the regulatory framework for determining the cost recovery value.

Prospectively estimating the value of the BLM's processing costs for a logical mining unit is difficult because there can be considerable variation in the processing cost depending of size and where the prospective lease modification is located. For the purposes of this information

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collection analysis, the BLM is estimating that the cost recovery value will be equal to the BLM's estimated average processing cost of \$3,947 per logical mining unit.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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].

Respondents are lessees, licensees, or designated operators who apply to conduct mineral exploration or extraction activities. The information requested is unique to each applicant and to each specific lease or license. Due to the unique characteristics of each lease or license, the BLM has adopted various means of information collection on non-form required information because the respondents are required to supply this information on an as-needed basis and attach very lengthy attachments. The BLM will accept non-form information in various forms such as e-mails and computer diskettes from respondents who wish to submit the information electronically. The BLM maintains this information in detailed case files for each lease or license.

Under the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms; however, they cannot submit electronically at this time.

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 we collect is generally specific to a particular location, lease, license, or applicant. The BLM shares duplicate information related to data requirements for authorization of mining operations with the Office of Surface Mining Reclamation and Enforcement (OSM), and information related to royalty payment and production verification with the Minerals Management Service (MMS). The BLM will accept information that was previously required by the Mine Safety and Health Administration (MSHA) concerning ground control and ventilation restrictions. No other duplication of information collection is known.

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

We do not collect information on whether the respondents are small businesses or small entities. We estimated 90 respondents that may qualify as a small business in ROCIS. The information required from all respondents is limited to the minimum necessary to maintain a complete and accurate record of who is conducting mining operations on the public lands and what they do while on the public lands.

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6. Describe the consequence to the 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 the burden.

The BLM manages and carries out the responsibilities of the Federal Coal Management Program. If we fail to collect the requested information, it would preclude the BLM from knowing who is conducting mining operations and where the mining operations are located. Verification of production helps to ensure that royalty is paid for all the coal produced and sold. Reducing the burden will hinder or preclude the collection of sufficient information to determine if applicants meet the statutory, regulatory, and contractual requirements. Reducing the burden will also severely limit the BLM's ability to track and audit coal production, thereby impairing the MMS's ability to ensure that royalty receipts for coal produced from the public lands have been properly paid.

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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

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.

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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. [Please list the names, titles, addresses, and phone numbers of persons contacted.] Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 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.

As required in 5 CFR 1320.8(d), the BLM published the required 60-day notice in the Federal Register on March 6, 2006 (71 FR 11221), soliciting comments from the public and other interested parties. The comment period closed on May 5, 2006. The BLM did not receive any comments from the public in response to this notice.

During the approval period, we consulted with the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. The burden estimates in Question 12 reflect their input from these consultations.

- **Coal Subcommittee, Mineral Management Service Royalty Policy Committee** - The Coal Subcommittee has members representing many Federal coal lessees, the general public, state governments, the BLM, and MMS. The Coal Subcommittee strives to meet at least twice a year. This information collection burden analysis has been discussed in meetings of the Coal Subcommittee on several occasions and members were urged to provide comments. Contact person for the Coal Subcommittee is Mr. William Hartzler, Foundation Coal Corporation, 391 Inverness Parkway, Suite 333, Englewood, Colorado, 80112 Telephone: (303) 749-8445. The BLM did not receive any comments from this group or any of its member companies through this channel.
- A contact was made with The BLM National Mining Association seeking comments from their membership in April and May 2006. Our contact person at The BLM National Mining Association was Ms. Katie Sweeney, National Mining Association, 101 Constitution Avenue, NW, Suite 500 East, Washington, D.C. 20001, Telephone: (202) 463-2600. The BLM did not receive any comments from this group or any of its member companies through this channel.
- A contact was made with Mr. Doug Nolte of Mountain Coal Company in Somerset, Colorado, and we discussed with him coal exploration and production reporting requirements as well as reporting burdens for royalty rate reductions. Based on these discussions, the BLM has increased the burden hours for production reporting and increased the average burden cost per hour. Mr. Nolte can be reached at the West Elk Mine, P.O. Box 591, Somerset, Colorado 81434, Telephone: (970) 929-2223.
- A contact was also made with Mr. Robin Herring of Trapper Mining Company near Craig, Colorado. Discussions with Mr. Herring centered on the requirements for production reporting. Mr. Herring indicated that the burden hours and costs for

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production reporting are probably low. The BLM has made adjustments to reflect these suggestions. Mr. Herring can be reached at Trapper Mining Inc., P.O. Box 187, Craig, Colorado 81625, Telephone: (970) 824-4401.

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

We do not provide payments or gifts to the respondents.

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

The BLM collects some information considered confidential and proprietary (43 CFR 2.22). The BLM requires respondents provide confidential or proprietary information on exploration actions (30 U.S.C. 201(b)(3) and 43 CFR 3410.4). The BLM considers any information related to the BLM's assessment of the fair market value of a prospective coal lease as confidential and proprietary data (30 U.S.C. 201(a)(1) and 43 CFR 3422.1). The respondents must clearly identify all confidential and proprietary information under regulation (43 CFR 3481.3(b)). For actions where a respondent provides information to the BLM considered confidential and proprietary, it is the respondent's responsibility to identify the information. In addition, we protect the applicant's confidentiality to the extent such action is consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, respondents were informed as to whether or not providing the information is mandatory to obtain a benefit. The BLM provides no promises to applicants that the application is protected under the Privacy Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private. The 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.

We do not require respondents to answer 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.

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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.

The following table provides a detailed summary of the burden hour estimate for each action.

Public Burden Hours Information Collected		Number of Actions per Year	Public Burden Hours per Action	Total Annual Public Burden Hours	Total Annual Public Burden Cost
A	Coal Lease (Form 3400-12)	10	1	10	\$378
B	License to Mine (Form 3440-1)	1	21	21	\$794
C	43 CFR subpart 3410; Exploration License.	21	24	504	\$19,051
D	43 CFR subpart 3420; Competitive Leasing.	1	25	25	\$945
E	43 CFR subpart 3422; Coal Lease Sales.	10	30	300	\$11,340
F	43 CFR subpart 3425; Leasing-On-Application.	8	308	2,464	\$93,139
G	43 CFR subpart 3427; Surface Owner Consent.	43	1	43	\$1,626
H	43 CFR subpart 3430; Preference Right Leasing.	1	800	800	\$30,240
I	43 CFR subpart 3432; Lease Modifications.	5	12	60	\$2,268
J	43 CFR subpart 3440; License to Mine.	1	21	21	\$794
K	43 CFR subpart 3452; Relinquishments.	4	18	72	\$2,722
L	43 CFR subpart 3453; Transfers, assignments, and Subleases.	9	10	90	\$3,402

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Public Burden Hours Information Collected		Number of Actions per Year	Public Burden Hours per Action	Total Annual Public Burden Hours	Total Annual Public Burden Cost
M	43 CFR subpart 3471; Coal Management Provisions and Limitations.	9	3	27	\$1,021
N	43 CFR subpart 3472; Special Leasing Qualifications.	10	3	30	\$1,134
O	43 CFR subpart 3474; Bonds.	141	8	1,128	\$42,639
P	43 CFR subpart 3481; General Provisions.	1	1	1	\$38
Q	43 CFR subpart 3482; Exploration and Resource Recovery and Protection Plans.	460	21	9,660	\$365,148
R	43 CFR subpart 3483; Diligence Requirements.	7	21	147	\$5,557
S	43 CFR subpart 3484; Performance Standards.	19	1	19	\$718
T	43 CFR subpart 3485; Royalty Rate Reductions.	10	24	240	\$9,072
U	43 CFR subpart 3485; Exploration and Production Reporting.	457	16	7,312	\$276,394
V	43 CFR subpart 3486; Inspection, Enforcement, and Appeals.	5	4	20	\$756
W	43 CFR subpart 3487; Logical Mining Unit.	2	170	340	\$12,852
TOTAL		1,235		23,314	\$881,272

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers resulting from the collection of information. 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]. Include descriptions of methods used

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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.

The information collection requirements for this OMB approval have been in place for many years. Therefore, except for new lessees, we do not believe that there are start-up or capital costs beyond those incurred in the normal course of business that can be attributed to these information collection requirements.

Based on an annualized average number of actions, we estimate the annual filing fees as follows:

	Estimated Collections From Filing and Cost Recovery Fees	Estimated Number of Actions	Filing Fee per Action	Estimated Cost Recovery Fee per Action	Total Estimated Annual Collection
C	43 CFR subpart 3410; Exploration License.	21	\$275	Not Applicable	\$5,775
F	43 CFR subpart 3425; Leasing-On-Application.	8	Not Applicable	\$172,323	\$1,378,584
I	43 CFR subpart 3432; Lease Modifications.	5	Not Applicable	\$9,208	\$46,040
J	43 CFR subpart 3440; License to Mine.	1	\$10	Not Applicable	\$10
L	43 CFR subpart 3453; Transfers, assignments, and Subleases.	9	\$55	Not Applicable	\$495
T	43 CFR subpart 3485; Royalty Rate Reductions.	10	Not Applicable	\$3,946	\$39,460

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W	43 CFR subpart 3487; Logical Mining Unit.	2	Not Applicable	\$3,947	\$7,894
TOTAL		56	\$6,280		\$1,478,258

The total filing fees are \$6,280 based on the above chart.

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. Agencies also may aggregate cost estimates in a single table.

We estimate the total estimated cost to the Federal Government for this information collection is \$3.5 million. This estimate is based on the number of actions multiplied by the estimated work hours per actions and multiplied by a \$36 wage per hour. An additional 5% is included for incidental costs. The table below provides a detailed summary of the estimated cost to the Federal Government for each action.

Burden Hours Information Collected		Number of Actions per Year	Burden Hours per Action	Total Annual Burden Hours	Total Annual Burden Cost
a	Coal Lease (Form 3400-12)	10	17	174	\$6,577
b	License to Mine (Form 3440-1)	1	17	17	\$658
c	43 CFR subpart 3410; Exploration License.	21	49	1,023	\$38,674
d	43 CFR subpart 3420; Regional Coal Leasing.	1	17	17	\$658
e	43 CFR subpart 3422; Coal Lease Sales.	10	26	261	\$9,866
f	43 CFR subpart 3425; Leasing-On-Application.	8	4,559	36,470	\$1,378,581
g	43 CFR subpart 3427; Surface Owner Consent.	43	17	748	\$28,282
h	43 CFR subpart 3430; Preference Right Leasing.	1	17	17	\$658
i	43 CFR subpart 3432; Lease Modifications.	5	244	1,218	\$46,041

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Burden Hours Information Collected		Number of Actions per Year	Burden Hours per Action	Total Annual Burden Hours	Total Annual Burden Cost
j	43 CFR subpart 3440; License to Mine.	1	35	35	\$1,316
k	43 CFR subpart 3452; Relinquishments.	4	104	418	\$15,785
l	43 CFR subpart 3453; Transfers, assignments, and Subleases.	9	104	940	\$35,517
m	43 CFR subpart 3471; Coal Management Provisions and Limitations.	9	17	157	\$5,920
n	43 CFR subpart 3472; Special Leasing Qualifications.	10	35	348	\$13,155
o	43 CFR subpart 3474; Bonds.	141	35	4,907	\$185,477
p	43 CFR subpart 3481; General Provisions.	1	52	52	\$1,973
q	43 CFR subpart 3482; Exploration and Resource Recovery and Protection Plans.	460	80	36,818	\$1,391,736
r	43 CFR subpart 3483; Diligence Requirements.	7	21	146	\$5,525
s	43 CFR subpart 3484; Performance Standards.	19	24	463	\$17,496
t	43 CFR subpart 3485; Royalty Rate Reductions.	10	104	1,044	\$39,463
u	43 CFR subpart 3485; Exploration and Production Reporting.	457	17	7,952	\$300,578
v	43 CFR subpart 3486; Enforcement, and Appeals.	5	33	165	\$6,249
w	43 CFR subpart 3487; Logical Mining Unit.	2	104	209	\$7,893
TOTAL		1,235		93,600	\$3,538,078

15. Explain reasons for any program changes or adjustments reported.

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Burden	Previous Collection	This Collection	Change
Responses	1,289	1,235	-54
Burden Hours	25,585	23,314	-2,271

- The total number of responses has decreased 4% from 1,289 to 1,235. The number of responses for leasing by application decreased from 15 to 8 per year.
- The public burden cost significantly increased primarily due to an increase in value per hour from \$25 per hour to \$36 per hour. This is consistent with the comments we received and may be a reflection of an aging work force, causing more senior staff to work on what had been assigned to lower level staff. The comments the BLM received indicated that the lessees were having difficulty retaining qualified new employees.
- The annualized cost burden for the Federal Government increased similarly to that of the public due to an increase in the cost to \$36 per hour. However, this was more than offset by a 50% decline in the number of new lease-by-application coal leases received in 2003, 2004, and 2005. The decline is in part considered to be cyclical because of the interest in new lease-by-application coal leases.
- The annual burden cost decreased to \$6,280 because we were inadvertently counting fees other than filing fees.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The BLM has no plans to collect information only for the purpose of publishing them. The data collected relates to the administration of new and current Federal coal leases. We may publish some information at a summary level in the BLM's "Public Land Statistics" publication. No personal information is compiled in a database used to create this report.

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.

BLM will display the expiration date of the OMB approval.

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

There are no exceptions to the certification statement.

