

Supporting Statement for Paperwork Reduction Act Submission
Recordation of Location Notices and Mining Claims; Payment of Fees

(43 CFR Parts 3832-3838)

OMB Control Number 1004-0114

Forms 3830-2 and 3830-3

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 to renew the previously approved information collection for the regulations at 43 CFR parts 3832 through 3838. These regulations pertain to the location, recording, and maintenance of mining claims and sites, in accordance with the General Mining Law (30 U.S.C. 22 – 54), Section 314 of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1744), and certain other statutes pertaining to specific Federal lands.

The information that is collected is necessary so that the BLM will have records of mining claims and sites on Federal lands, and will be able to determine which mining claims and sites claimants wish to continue to hold.

2. Explain how, by whom, how frequently, 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.]

Background

The BLM collects the information in order to fulfill its responsibilities under the General Mining Law, FLPMA Section 314, and certain other statutes pertaining to specific Federal lands. The General Mining Law allows United States citizens to enter unappropriated, unreserved public land to prospect for and develop certain minerals. FLPMA Section 314 establishes a Federal recording system that is designed to eliminate stale claims, and provide Federal land managers with up-to-date information that allows them to make informed land management decisions.

The following types of mining claims and sites are relevant to the information collection requirements in this submission:

1. Lode mining claims are for deposits of minerals in veins, fissures, lodes and disseminated ore bodies.
2. Placer mining claims are for deposits of loose, unconsolidated material, such as gravel beds, and for deposits of consolidated sedimentary deposits lying at the surface.
3. Mill sites, of up to five acres, may be claimed on non-mineral ground for the purpose of erecting a mill or smelter facility, or for a variety of purposes if the mill site is affiliated with a valid lode or placer mining claim.
4. Tunnel sites are for access to veins or lodes.
5. Oil shale claims used to be locatable under the General Mining Law, but current statutes make them leasable. However, a mechanism is in place to maintain unpatented oil shale claims in accordance with the laws under which they were initiated. Such maintenance is now accomplished by the payment of annual maintenance fees.
6. Mining claims and tunnel sites on lands patented under the Stock Raising Homestead Act require a formal notification procedure to the surface owner(s) and the BLM prior to entry.

Discovery of a mineral deposit, followed by procedures required to formally "locate" the deposit, give claimants the right of exclusive possession of the land for mining purposes. 30 U.S.C. 26. "Location" is the act of taking or appropriating a parcel of land. To locate a mining claim or site means:

1. Establishing the exterior lines of a mining claim or site on lands open to mineral entry to identify the exact land claimed; and
2. Recording a notice or certificate of location as required by State and Federal law.

The collection of information by the BLM begins with recordation. Once a mining claim or site is recorded, the Federal collection of information continues with an annual filing that must be made no later than September 1 of each year in order to maintain the mining claim or site.

An annual maintenance fee is also required, unless the claimants have obtained a waiver of the maintenance fee. The application for waiver is a Federal information collection.

Claimants having a legal interest in 10 or fewer mining claims nationwide, and who also meet certain other requirements, may perform \$100 worth of assessment work or improvements annually, in lieu of paying the annual maintenance fee. These claimants must document their work by filing an affidavit each year, along with a \$10 filing fee per claim. Holders of mill or tunnel sites must file a Notice of Intent to Hold each year, along with a \$10 filing fee per site.

BLM regulations pertaining generally to locating mining claims and sites

The regulations at 43 CFR subpart 3730, and parts 3810 and 3820, do not include Federal information collection requirements. However, they are discussed here in order to provide context for the information collection requirements.

The regulations at 43 CFR subpart 3730 provide for the implementation of the Mining Claims Rights Restoration Act (30 U.S.C. 621 - 625). This statute authorizes, with certain restrictions, the mining, development, and utilization of the mineral resources of public lands withdrawn or reserved for power development.

The regulations at part 3810 are organized into the following subparts:

1. Subpart 3811 — Lands Subject to Location and Purchase;
2. Subpart 3813 — Disposal of Reserved Minerals Under the Act of July 17, 1914 (30 U.S.C. 122);
3. Subpart 3814 — Disposal of Reserved Minerals Under the Stock Raising Homestead Act ((43 U.S.C. 299 and 301);
4. Subpart 3815 — Mineral Locations in Stock Driveway Withdrawals; and
5. Subpart 3816 — Mineral Locations in Reclamation Withdrawals.

Part 3820 pertains to areas that are subject to the following special mining laws:

1. Act of April 8, 1948, 62 Stat. 162 (Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands);
2. Alaska Public Sale Act of August 30, 1949, 63 Stat. 679, 48 U.S.C. 364a-364e;
3. Wilderness Act, 16 U.S.C. 1133 (national forest wilderness areas); and
4. Act of June 18, 1934, 48 Stat. 984, 25 U.S.C. 461-479 (Tohono O’Odham Indian Reservation, Arizona).

Information collection involved in locating, recording, amending, and transferring mining claims and sites

The regulations at 43 CFR part 3830 include provisions that describe what minerals are locatable, BLM service charge and fee requirements, the consequences of failing to comply with the legal and regulatory provisions that apply to mining claims and sites, appeals procedures, and other general regulations at subpart B pertaining to providing information to the BLM.

The regulations at 43 CFR part 3832 provide for the initial steps in locating a mining claim or site. The information collection requirement associated with these initial steps consists of the posting of a conspicuous monument and notice at the place of discovery in accordance with both Federal and State law, so that the boundaries can be readily traced. While State laws can vary, the notice that is posted at the place of discovery generally includes:

1. The name of the claim;
2. The type of claim or site;

3. The names and addresses of the locators of the claim; and
4. The date the discovery monument is erected and Notice of Location is posted on the ground.

For lode claims, the notice includes the number of linear feet claimed in length; along the course of the vein each way from the point of discovery, with the width claimed on each side of the center of the vein, and the general course of the vein or lode as nearly as possible. In addition, the notice for placer claims or mill sites includes the number of acres or superficial feet claimed and a description of the claim or mill site, located by reference to some natural object or permanent monument that identifies the boundaries of the claim or site.

The regulations at part 3833, subpart A pertain to the initial recording of a mining claim or site after it is located. The following information is required:

- 1) The name or number, or both, of the claim or site;
- 2) The names and current mailing addresses of the locators;
- 3) The type of claim or site;
- 4) The date of location; and
- 5) A complete description of the lands claimed, as required by 43 CFR part 3832.

Mining claims and sites must be recorded with the BLM and with the local recording office within 90 days after the date of location, and before December 31 of each year thereafter. Failure to comply with either of these requirements renders the mining claim or site abandoned and void by operation of law. When recording a notice or certificate of location, the claimant must pay a processing fee, a location fee, and an initial maintenance fee in accordance with 43 CFR 3830.21. Only the processing fee is a non-hour cost burden associated with the collection of information.

The regulations at part 3833, subpart B pertain to the amendment of a notice or certificate of location. Amendment is allowed if the BLM recognizes the original location as a property recorded and maintained mining claim or site, and:

- 1) There are omissions or other defects in the original notice or certificate of location that need to be corrected or clarified; or
- 2) The sidelines of a lode claim need to be repositioned so that they are parallel to the discovered lode, ledge or vein, if there are no intervening rights to the land; or
- 3) The size of the mining claim or site is being reduced.

A notice or certificate of location may not be amended to transfer any interest, add owners, relocate or re-establish mining sites or claims that have been forfeited or declared void, change the type of claim or site, or enlarge the size of the mining claim or site.

Legal descriptions of mining claims or sites may not be amended after the land is closed to mineral entry, unless:

- 1) The size of the mining claim or site is being reduced;

- 2) There are omissions or other defects in the original notice or certificate of location that need to be corrected or clarified;
- 3) The legal land description of the claim or site needs to be corrected; or
- 4) There is a need to submit an accurate description of the position of discovery or boundary monuments or similar items.

An amended location certificate or notice must be recorded with the BLM within 90 days after the amended certificate or notice is recorded in the local recording office. The BLM will not recognize any amendment until it is recorded properly. A processing fee must be paid for each claim or site amendment. An amended location notice or certificate relates back to the original location date, and takes effect when it is recorded with the local recording office under State law or such other time as provided by State law.

The regulations at 43 CFR part 3833, subpart C pertain to transfers of interest. A transfer of interest is a sale, assignment, transfer through inheritance, or conveyance or total or partial ownership or legal interest in a mining claim or site. State law governs transfers of mining claims or sites. A transfer is effective in the manner and on the date provided by State law, not the date it is filed with the BLM.

A notice of transfer must include:

1. The name and, if available, the serial number the BLM assigned to the claim or site when the notice or certificate of location was originally recorded;
2. The name(s) and current address(es) of the transferee(s); and
3. A copy of the legal instrument or document that was used to transfer the interest in the claim or site under State law.

Each transferee must pay the processing fee specified in the table of service charges and fees in 43 CFR 3830.21. The BLM will notify the claimants of record with the BLM of any action it takes regarding a mining claim or site. If the BLM is required by law to give claimants notice of any new legal requirements, the BLM has properly given notice by sending the notice to the claimants of record with the BLM.

Required fees for mining claims or sites

The regulations at 43 CFR part 3834 pertain to maintenance, location, and oil shale fees. These regulations allude to information collection requirements that are included in other parts of the regulations pertaining to mining claims and sites. In order to avoid duplication, the burdens of these information collection requirements are not analyzed in this submission under the heading of 43 CFR part 3834. However, the regulations at part 3834 are relevant to the non-cost burden associated with the collection of information. They also provide context for the collection of information under 43 CFR part 3835, which pertains to waivers from annual maintenance fees.

Part 3834 provides as follows:

1. The initial recording of a mining claim or site with the BLM must be accompanied by a location fee and an initial maintenance fee for the assessment year in which the mining claim or site is located. 43 CFR 3834.11(a)(1). At present, the amount of these two fees is calculated in accordance with 43 CFR 3830.21, as revised on June 29, 2009 (74 FR 30959 – 30962). The location fee is \$34, and the initial maintenance fee is \$140. In addition, a \$15 service charge is assessed in accordance with 43 CFR 3000.12, as revised on September 28, 2009 (74 FR 49334). The \$15 service charge is the only non-hour burden cost associated with the collection of information for the initial recording of a mining claim or site.
2. An annual maintenance fee is due on or before September 1 of each year in order to maintain a mining claim or site for the upcoming assessment year. 43 CFR 3834.11. The amount of the current annual claim maintenance fee is set forth at 43 CFR 3830.21. As revised on June 29, 2009 (74 FR 30959 – 30962), section 3830.21 sets the amount of the annual maintenance fee at \$140 per claim or site. The annual maintenance fee is in lieu of the assessment work requirement contained in the General Mining Law and the related filing requirements contained in FLPMA. See 30 U.S.C. 28f. A processing fee, but not the annual maintenance fee, is a non-hour cost burden associated with this annual collection of information.
3. The Energy Policy Act of 1992 (30 U.S.C. 242) requires the owner of an oil shale placer claim to pay an annual fee of \$550 and file a notice of intent to hold the claim, along with the applicable processing fee, each calendar year before December 30, unless the owner has filed a patent application and received a first half of the mineral entry final certificate on or before October 24, 1992. See 43 C.F.R. 3834.11(b). The processing fee is a non-hour cost burden associated with the collection of information.

Waivers from annual maintenance fees

The regulations at 43 CFR part 3835, subparts A and B, pertain to the filing requirements for requesting a waiver. No waivers are available for the initial maintenance fee, service charges, or the annual \$550 oil shale fee. The following types of waivers are available:

1. Small miner. All related parties must hold no more than a total of 10 mining claims or sites nationwide, not including oil shale claims; and all co-claimants must qualify for the small-miner waiver.
2. Soldiers' and Sailors' Civil Relief Act. All co-claimants must be military personnel on active duty status.
3. Reclamation. Maintenance fees are waived for mining claims or sites that are undergoing final reclamation under 43 CFR subparts 3802, 3809, or 3814, if the claimants do not intend to continue mining, milling, or processing operations on those sites.
4. Denial of access. The claimants have received a declaration of taking or a notice of intent to take from the National Park Service of other Federal agency, or the United States has otherwise denied the claimants access to the mining claim or site.
5. Mineral patent application. The claimants have submitted an application for a mineral patent under 43 CFR part 3860 and the Secretary of the Interior has granted a final certificate.

(Note: At present, a Congressional moratorium prevents us from receiving or processing applications for mineral patents.)

BLM uses Form 3830-2 (Maintenance Fee Waiver) to collect the information to waive the annual maintenance fee for small miners. The form requires submission of the following information:

- (1) The mining claims names and BLM serial numbers;
- (2) A declaration that the owners own or have interest in 10 or fewer claims or sites;
- (3) A declaration of compliance with the assessment work requirements;
- (4) The names and addresses of all owners of the claims and sites; and
- (5) The owners'/agents' signatures.

In addition, in accordance with 43 CFR 3835.11(a)(3), applicants for the small-miner waiver who were did not perform assessment work in the previous assessment year must include a declaration explaining that assessment work was not required for one of the following reasons:

1. The claim was located in that assessment year;
2. The applicant paid a maintenance fee to maintain the claim during that assessment year;
3. Assessment work was deferred for that year; or
4. Any other reason recognized under Federal law.

An application for a waiver under the Soldiers' and Sailors' Civil Relief Act must include a notice of active military service or entry into active military service. In addition, the applicant must notify the BLM in writing upon leaving active duty status. 43 CFR 3835.11(b).

Under 43 CFR 3835.11(c), an application for a reclamation waiver must include a certified and/or notarized statement that:

1. States that the claimants are reclaiming the mining claims or sites;
2. States the claimants' intent to end mining operations on the claims or sites permanently; and
3. References a reclamation plan that the claimants have submitted to the BLM or that the BLM has approved; or references a reclamation plan approved by a surface managing agency other than the BLM.

An application for a denial-of-access waiver, under 43 CFR 3835.11(d), must include a statement that the claimants have received a declaration of taking or a notice of intent to take from the National Park Service or other Federal agency, or that the claimants have otherwise been denied access to the mining claim or site by a surface management agency or a court. In addition, the applicant must submit copies of all official documents that demonstrate the declaration of taking, notice or intent to take, or denial of access.

The regulations at 43 CFR part 3835, subpart C pertain to annual filings that are required under FLPMA Section 314 in order to continue to hold a mining claim or site. Under FLPMA Section 314, all claims located before FLPMA's enactment in 1976 were required to be registered with the BLM within three years of FLPMA's enactment. Also required in the year of the initial

recording, and prior to December 31 of every year after that, is a notice of intention to hold the claim, or an affidavit of assessment work performed on the claim.

A. An affidavit of assessment work must be filed by December 30 of each assessment year if the claimants have a small-miner waiver that covers mill or tunnel mining claims, and includes the following information:

1. The name and, if available, the BLM serial number of the claim for which the claimants did the assessment work; and
2. Any known changes in the mailing address of the claimants;

A processing fee must be paid. At present, the fee is \$10 (43 CFR 3000.12, as revised at 74 FR 49334 (Sept. 28, 2009)).

B. A notice of intent to hold must be filed if:

1. the claimants have an oil shale placer claim;
2. the claimants have a small-miner waiver that covers mining claims, and the basis for the waiver is that the claimants are not required to perform assessment work;
3. the claimants have a small-miner waiver that covers mill or tunnel sites; or
4. the claimants have a deferment of assessment work.

A notice of intent to hold must include the following information:

1. An exact legible reproduction or duplicate of a letter or other notice with signatures of one or more of the claimants or their agent that states the claimants' intention to hold the mining claims or sites for the calendar year in which the assessment year ends, and that the claimants filed or will file a notice of intent to hold in the county where the claim s located; and, if applicable:
 - A. A copy of a BLM decision granting a deferment of the annual assessment work;
 - B. A copy of a pending petition for deferment of the annual assessment work including the date the claimants submitted the petition; or
 - C. Any other documentation in the notice of intent to hold supporting why the claimants are filing a notice of intent to hold instead of an assessment work filing;
2. The name and, if available, the BLM serial number of the mining claim or site; and
3. Any known changes in the mailing addresses of the claimants.

A processing fee is a non-hour cost burden associated with notices of intent to hold.

Deferring assessment work

The regulations at 43 CFR part 3836, subpart B include information collection requirements pertaining to petitions for deferment of assessment work. (Annual filing requirements, including those that document completion of adequate assessment work, are at 43 CFR part 3835.)

In order to apply for deferment of assessment work, 43 CFR 3836.23 requires that a claimant submit a petition that includes:

- The names of the claims;
- The BLM serial numbers assigned to the claims;
- The starting date of the one-year period of the requested deferment; and
- A statement that the claimant plans to file a small miner waiver form by September 1.

If the claimant is petitioning for a deferment because the BLM or another party has denied the claimant a right-of-way, the petition must also describe:

- The ownership and nature of the land, including topography vegetation, surface water, and existing roads, over which the claimant was seeking a right-of-way to reach the claims;
- The land over which the claimant is seeking a right-of-way by legal subdivision if the land is surveyed;
- Why present use of the right-of-way is denied or prevented;
- The steps the claimant has taken to acquire the right to cross the lands; and
- Whether any other right-of-way is available and, if so, why it is not feasible to use that right-of-way.

If the claimant is petitioning for a deferment because of other legal impediments to obtaining access to the claim, the claimant must describe the legal impediments and submit copies of any documents the claimant has to evidence the legal impediments.

The claimant must record in the local recording office a notice that the claimant is petitioning the BLM for a deferment of assessment work, and that notice must be attached to the petition. At least one of the claimants of each of the affected mining claims must sign the petition, and must sign the original notice that is recorded with the local recording office. A processing fee is a non-hour cost burden associated with petitions to defer assessment work.

If the BLM approves a deferment, the claimant must record a copy of the BLM's decision in the local recording office. If the BLM denies a deferment, and the assessment year has ended, the claimant has 60 days from the date of receipt of the BLM decision in which to pay the maintenance fee to maintain the claim.

Acquiring a delinquent co-claimant's interests in a mining claim or site

The regulations at 43 CFR part 3837 describe procedures for a claimant to follow in order to acquire a delinquent co-claimant's interests in a mining claim or site in certain circumstances. A delinquent co-claimant is one who fails to contribute a proportionate share of the assessment work, expenditures, or maintenance fees by the end of the assessment year concerned.

The BLM does not collect information from a claimant in these circumstances until after the claimant has acquired a delinquent co-claimant's interest in accordance with the procedures outlined in 43 CFR part 3837. After the acquisition, 43 CFR 3837.23 requires the claimant to submit the following information to the BLM:

- Evidence that the claimant properly notified the delinquent co-claimant;
- An originally signed and dated statement by all the compliant co-claimants that the delinquent co-claimant failed to contribute the proper proportion of assessment work, expenditures, or maintenance fees with the period fixed by the statute; and
- A non-refundable service charge for a transfer of interest, as found in the table of fees at 43 CFR 3830.21.

If the claimant gave written notice to the delinquent co-claimant by personal service, the claimant must also sign and submit a notarized affidavit explaining how and when the written notice was delivered to the delinquent co-claimant. If the claimant gave written notice by mail, the claimant must submit a copy of the notice, and a copy of the signed U.S. Postal Service return receipt. If the claimant published notice in a newspaper, the claimant must submit a statement from the newspaper publisher describing the publication, including the beginning and ending dates of publication; a printed copy of the published notice; and a notarized affidavit attesting that the claimant conducted a diligent search for the delinquent co-claimant, could not locate the delinquent co-claimant, and therefore notification by publication was necessary. 43 CFR 3837.24.

Special procedures for locating and recording mining claims and tunnel sites on Stock Raising Homestead Act lands

Most Federal lands that are open to mineral entry are unpatented. In contrast, lands subject to the Stock-Raising Homestead Act were patented in the early years of the 20th Century. As originally enacted in 1916, the Act authorized entry onto 640 acres of land designated as chiefly valuable for grazing. Within a few years, over 50 million acres had been entered and more than 30 million acres patented. As required by the Act, the patents for those 30 million-plus acres reserved “coal and other minerals” in the United States, creating “split-estate” lands. While most of the statute was repealed in 1976, two provisions (43 U.S.C. 299 and 301) remain in place so that the BLM can manage the mineral resources reserved to the United States.

The regulations at 43 CFR part 3838, subpart B, provide for the filing by claimants of Form 3830-3, Notice of Intent to Locate Mining Claim. A non-refundable service charge is due at the time of filing. A copy must be served upon the surface owner of record, as ascertained from the local tax records, and proof of service must be submitted to the BLM. The locator must wait 30 days after serving the surface owner before entering the lands or locating mining claims upon the lands so noticed. The notice segregates the lands from mineral entry or mineral sale on behalf of the locator for 90 days from acceptance by the BLM. The BLM is required to post the notice upon its official land records.

We require the following information on Form 3830-3:

The initial block is for the Stock-Raising Homestead Act patent number. The opening language contains the statements needed to alert all concerned parties as to the intent of the locator and the action contemplated, and the required statement of acreage held by the locator. The next section allows the person to provide us with the proper legal land description applied for. This

information is required: (1) so that we may properly note our official records as to the exact lands to be segregated on behalf of the locator, and (2) to serve as proper notice to the surface owners. The following blocks provide for names and addresses of the locator(s) and of the surface owners taken from the county tax records. There is also space for a description of the exploration activities, the date(s) on which activities are to commence, and the name, address, and telephone number of the person who will manage these activities. The final block provides for the signature and affiliation (if any) of the person filing the form.

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].

In accordance with the Government Paperwork Elimination Act (GPEA), the public can download, fill out, and print Forms 3830-2 and 3830-3. However, the forms cannot be submitted 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.

There is no duplication between this information collection and other collections. The information is unique to each owner and is unsuitable for other uses. In addition, State laws require filing in the county or borough offices documents that attest that the claimants comply with the Federal requirements in order to maintain their mining claims or sites.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

We do not collect information on whether the respondents are small businesses or small entities. We estimate 75 percent of the respondents may qualify as a small business. The information we require from all respondents is limited to the minimum necessary to authorize and conduct mining operations on the public lands.

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.

Claimants submit the certificate or notice of location once along with the location fee and initial processing fee. Those filing a waiver certificate submit the annual filing, either an affidavit of assessment work or a notice of intention to hold, once each year for each mining claim or site. The transfer of interest and amendment of location documents are submitted when the action occurs. Less frequent collection would mean no collection at all. If the location notices are not recorded and the annual filings are not made, compliance with the statutes would not exist, and

the mining claims and sites would be lost by operation of law. If transfers and amendments are not recorded, the BLM would not be able to comply with the terms of FLPMA, and the ability to manage the public lands would be compromised, due to our lack of information on mining claim ownership and the land claimed.

We collect the maintenance fee (or waiver request) once each year on or before September 1. If the claimants fail to pay the fee or, if qualified, file for a waiver, it will result in a statutory forfeiture of the claim or site.

If the BLM does not collect the required maintenance and location fees, the Government will incur an annual loss in excess of \$29 million dollars in receipts.

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 collection to be conducted in a manner inconsistent with the guidelines. We do not exceed 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.

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 by 5 CFR 1320.8(d), the required 60-day notice was published in the **Federal Register** (74 FR 38215) on July 31, 2009, soliciting comments from the public and other interested parties. The comment period closed on September 29, 2009. The BLM did not receive any comments in response to this notice, or unsolicited comments from respondents covered under these regulations.

During the approval period, we consulted with the following respondents that are affected by this information collection to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. Our burden estimates reflect the input of these respondents.

We consulted the following respondents:

Richard Banks
P.O. Box 195
Chilcoot, CA 96105
(530) 993-6058

Alvin S. McCoy
P.O. Box 863
Challis, ID 83226-0863
(208) 879-5413

Dick Coughren
10012 W. Court
Pasco, WA 99301
(509) 547-5167

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

We do not provide 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.

We protect the confidentiality of respondents to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is required to obtain a benefit. BLM has firewalls to protect website access, strong security and password protection of the information in the data base, and other security measures to protect electronic information.

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.

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.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **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 in Item 14.**

Table 12-1 – Hourly Cost Calculations: The hourly rate below was determined using national Bureau of Labor Statistics Occupational Employment and Wages, May 2008, 17-2151 Mining and Geological Engineers, Including Mining Safety Engineers. The benefits multiplier of 1.4 is supported by information in Table A of Bureau of Labor Statistics News Release USDL 09-1501, December 9, 2009, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Position	Hourly Wage	Hourly Wage with Benefits (Hourly Wage x 1.4)
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Mining Engineer	\$38.42	\$53.80
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Tables 12-2 and 12-3 – Estimates of Hour and Cost Burdens: Hour and cost burdens to respondents include time spent for researching, preparing, and submitting information. The average hourly wage associated with these information collections is shown at Table 12-1, above. The BLM’s estimate of the time it takes a respondent to supply the information was verified by consultations with respondents (see Item 8, above).

The frequency of response is broken down in the tables below by annual requirements, and requirements that occur “on occasion.” For those responses filed annually, the estimated total number of responses annually is 11,191, the estimated total annual hour burden is 4,706 hours, and the hour-related cost burden is \$252,953. For those responses filed on occasion, the estimated total number of responses annually is 185,963, the estimated total annual hour burden is 92,952, and the hour-related cost burden is \$5,000,817.

The estimated total annual hour-related burdens for this information collection are:

- 197,154 responses;
- 97,658 hours; and
- \$5,253,770.

A. Type of Response	B. Number of Responses Annually	C. Time for Each Response	D. Annual Hour Burden (B x C)	E. Cost per Hour	F. Annual Cost (D x E)
43 CFR Part 3835, Subpart A Waiver from Annual Maintenance Fee Form 3830-2 and/or nonform data	5,337	20 minutes	1,779	\$53.80	\$95,710
43 CFR Part 3835, Subpart C Annual FLPMA Documents ¹	5,854	30 minutes	2,927	\$53.80	\$157,243
TOTALS	11,191		4,706		\$252,953
A.	C.	D.	E.	F.	G.

¹ Annual FLPMA documents (i.e., Notices of Assessment Work and Notices of Intent to Hold) may include one or more mining claims or sites per response.

Type of Response	Number of Responses Annually (B / 3)	Time for Each Response	Annual Hour Burden (C x D)	Cost per Hour	Annual Cost (E x F)
43 CFR Part 3832 Locating Mining Claims or Sites	88,109	30 minutes	44,055	\$53.80	\$2,370,159
43 CFR Part 3833, Subpart A Recording a New Location Notice	88,109	30 minutes	44,055	\$53.80	\$2,370,159
43 CFR Part 3833, Subpart B Amending a Location Notice	4,276	30 minutes	2,138	\$53.80	\$115,024
43 CFR Part 3833, Subpart C Transfers of Interest	1,499	30 minutes	750	\$53.80	\$40,350
43 CFR Part 3836, Subpart B Deferring Assessment Work	1,800	30 minutes	900	\$53.80	\$48,420
43 CFR Part 3837 Acquiring a Delinquent Co-Claimant's Interests in a Mining Claim or Site	1,800	30 minutes	900	\$53.80	\$48,420
43 CFR Part 3838 Notice of Intent to Locate Under the Stock Raising Homestead Act Form 3830-3	370	25 minutes	154	\$53.80	\$8,285
TOTALS	185,963		92,952		\$5,000,817

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of

information. (Do not include the cost of any hour burden shown in Items 12 and 14).

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 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.

Since this information collection has been in place for many years, respondents incur no annual capital or start up costs to prepare for or respond to the information collection. We estimate a total non-hour cost burden of \$1,629,025, which comes from processing fees.

Processing fees for this information collection are set, and updated annually, at 43 CFR 3830.21 and 3000.12. The most recent updates for these regulations, respectively, are at 74 FR 30959 (June 29, 2009) and 74 FR 49334 (Sept. 28, 2009).

All of the regulations pertaining to processing fees were promulgated in accordance with FLPMA Section 304 (43 U.S.C. 1734), and the Independent Offices Appropriation Act (31 U.S.C. 9701), which authorize the BLM to charge processing costs. Moreover, OMB Circular No. A-25, titled "User Charges," provides that the Federal policy is to assess a charge against each identifiable recipient for special Federal benefits beyond those received by the general public.

The estimated non-hour cost burdens for this information collection are shown below in Table 13.

Table 13 – Non-Hour Cost Burden

A. Type of Response	B. Number of Response s Annually	C. Processing Fee	D. Annual Cost Burden (B x C)
43 CFR Part 3833, Subpart A Recording a New Location Notice	88,109	\$15	\$1,321,635
43 CFR Part 3833, Subpart B Amending a Location Notice	4,276	\$10	\$42,760
43 CFR Part 3833, Subpart C Transfers of Interest	1,499 ²	\$10	\$14,990
43 CFR Part 3835, Subpart C Annual FLPMA Documents	5,854	\$10	\$58,540
43 CFR Part 3836, Subpart B Deferring Assessment Work	1,800	\$100	\$180,000
43 CFR Part 3838 Notice of Intent to Locate Under the Stock Raising Homestead Act Form 3830-3	370	\$30	\$11,100
Total Annual Non-Hour Cost Burden: \$1,629,025			

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 from Items 12, 13, and 14 in a single table.

² This number represents the total number of claimants affected by a transfer of interest and not the actual number of documents filed. A transfer of interest may be in the format of one quitclaim deed, but may contain several new claimants. Each new claimant is required to pay \$10.00 per claim per transfer regardless of the number of documents filed to complete the transfer.

Table 14-1 — Weighted Average Federal Wage Cost

The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2010-RUS located at http://www.opm.gov/oca/10tables/html/RUS_h.asp. The benefits multiplier of 1.5 is implied by information in Table A of Bureau of Labor Statistics News Release USDL 09-1501, December 9, 2009, at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Position	Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.5)	Percent of time spent on these collections	Weighted Avg. (\$/hour)
Clerical	GS-5/5	\$17.00	\$25.50	10%	\$2.55
Land Law Examiner	GS-9/5	\$25.77	\$38.66	80%	\$30.93
Supervisory Land Law Examiner	GS-12/5	\$37.37	\$56.06	10%	\$5.61
Weighted Average Hourly Pay Rate (\$/hour)					\$39.09

The Table below shows the annualized Federal costs for each collection. The estimated time spent to process the information collections is based on the BLM's experience. The derivation of the weighted average hourly wage associated with these information collections is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

A. Type of Response	B. Number of Responses Annually	C. Hours Per Response	D. Total Hours (B x C)	E. Total Wage Cost (D x \$39.09)
43 CFR Part 3832 Locating Mining Claims or Sites	88,109	.5	44,055	\$1,722,110
43 CFR Part 3833, Subpart A Recording a New Location Notice	88,109	.5	44,055	\$1,722,110
43 CFR Part 3833, Subpart B Amending a Location Notice	4,276	.5	2,138	\$83,574
43 CFR Part 3833, Subpart C	1,499	.5	750	\$29,318

Transfers of Interest				
43 CFR Part 3835, Subpart A Waiver from Annual Maintenance Fee Form 3830-2 and/or nonform data	5,337	.5	2,669	\$104,331
43 CFR Part 3835, Subpart C Annual FLPMA Documents	5,854	.5	2,927	\$114,416
43 CFR Part 3836, Subpart B Deferring Assessment Work	1,800	.5	900	\$35,181
434 CFR Part 3837 Acquiring a Delinquent Co- Claimant's Interests in a Mining Claim or Site	1,800	.5	900	\$35,181
43 CFR Part 3838 Notice of Intent to Locate Under the Stock Raising Homestead Act Form 3830-3	370	1	370	\$14,463
Total Annual Cost to the Government: \$3,860,684				

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

Several program changes are due to our efforts to improve the precision of our submission. In the previous submission, some of the information collection requirements were erroneously attributed to "Locating, Recording, and Maintaining Mining Claims or Sites (43 CFR 3830)" in our previous submission. The regulations at 43 part 3830 in fact pertain to information collection only to the extent that they explain, at subpart B:

- how the BLM uses the information it collects;
- an outdated estimate of the burden associated with control number 1004-0114, and
- the consequences of knowingly submitting false, erroneous, or fictitious information or statements.

The specific information collection requirements are found within regulations outside of 43 CFR part 3830. Consequently, the BLM has removed part 3830 from this submission.

The BLM has also removed from this submission the information collection labeled in the previous submission as "Required Fees for Mining Claims or Sites (43 CFR 3834)." The regulations at 43 CFR part 3834 pertain to maintenance, location, and oil shale fees, but the allusions to information collection requirements in part 3834 pertain to requirements that are included in other parts of the regulations pertaining to mining claims and sites.

The remaining program changes consist of the addition of information collection requirements that have been part of the BLM regulations for many years, but we now believe were erroneously categorized as being within part 3830 in our previous submission. In order to present the information collection requirements more precisely and completely, we have added analyses of 43 CFR part 3833, subparts B and C, and 43 CFR part 3835, subpart C, which were erroneously omitted from the previous submission.

The previously approved number of responses was 224,420. In this submission, we are requesting approval for 197,154 responses. The net decrease of 27,266 is due to adjustments in our burden estimates, and due to the program changes discussed above.

The total estimated hour burden for this submission is 97,658 hours, compared to 31,135 hours for the previous submission, a net increase of 66,523 hours. The net change is due to adjustments in our burden estimates and due to the program changes described above.

The total estimated non-hour cost burden for this submission is \$1,629,025, compared to \$6,775 for the previous submission. The net increase of \$1,622,250 is due in large part to the erroneous omission from the previous submission of nearly every pertinent processing fee. The only processing fee that was included in the previous Item 13 analysis was the fee associated with Form 3830-3 (although the processing fee for Form 3830-2 was mentioned in the previous Item 12). The net increase is also due to the program changes discussed above, adjustments in our burden estimates, and annual increases in the processing fees.

The program changes and adjustments are itemized in Tables 15-1 and 15-2, below.

Table 15-1 — Changes in Estimated Responses

A. Type of Response	B. Responses Approved Previously	C. Responses Requested Now	D. Net Difference	E. Explanation
43 CFR Part 3830 Locating, Recording, and Maintaining Mining Claims or Sites	111,274	0	-111,274	Program change due to the erroneous inclusion of these regulations in the previous submission.
43 CFR Part 3832 Locating Mining Claims or Sites	1,800	88,109	+86,309	Adjustment due to an increase in the estimated number of responses.
43 CFR Part 3833, Subpart A	1,800	88,109	+86,309	Adjustment due to an increase in the

Recording a New Location Notice				estimated number of responses.
43 CFR Part 3833, Subpart B Amending a Location Notice	0	4,276	+4,276	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3833, Subpart C Transfers of Interest	0	1,499	+1,499	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3834 Required Fees for Mining Claims or Sites	100,000	0	-100,000	Program change due to the erroneous inclusion of these regulations in the previous submission.
43 CFR Part 3835, Subpart A Waiver from Annual Maintenance Fee Form 3830-2 and/or nonform data	5,675	5,337	-338	Adjustment due to a decrease in the estimated number of responses.
43 CFR Part 3835, Subpart C Annual FLPMA Documents	0	5,854	+5,854	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3836, Subpart B Deferring Assessment Work	1,800	1,800	0	Unchanged
43 CFR Part 3837 Acquiring a Delinquent Co-Claimant's Interests in a Mining Claim or Site	1,800	1,800	0	Unchanged
43 CFR Part 3838 Notice of Intent to	271	370	+99	Adjustment due to an increase in the

Locate Under the Stock Raising Homestead Act Form 3830-3				estimated number of responses.
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Table 15-2 — Changes in Estimated Hour Burdens

A. Type of Response	B. Hours Approved Previously	C. Hours Requested Now	D. Net Difference (Hours)	E. Explanation
43 CFR Part 3830 Locating, Recording, and Maintaining Mining Claims or Sites	14,837	0	-14,837	Program change due to the erroneous inclusion of these regulations in the previous submission.
43 CFR Part 3832 Locating Mining Claims or Sites	240	44,055	+43,815	Adjustment due to an increase in the estimated number of responses.
43 CFR Part 3833, Subpart A Recording a New Location Notice	240	44,055	+43,815	Adjustment due to an increase in the estimated number of responses.
43 CFR Part 3833, Subpart B Amending a Location Notice	0	2,138	+2,138	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3833, Subpart C Transfers of Interest	0	750	+750	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3834 Required Fees for Mining Claims or Sites	13,333	0	-13,333	Program change due to the erroneous inclusion of these regulations in the previous submission.

43 CFR Part 3835, Subpart A Waiver from Annual Maintenance Fee Form 3830-2 and/or nonform data	1,892	1,779	-113	Adjustment due to a decrease in the estimated number of responses.
43 CFR Part 3835, Subpart C Annual FLPMA Documents	0	2,927	+2,927	Program change due to the erroneous omission of these regulations from the previous submission.
43 CFR Part 3836, Subpart B Deferring Assessment Work	240	900	+660	Adjustment due to an increase in the estimated number of responses.
43 CFR Part 3837 Acquiring a Delinquent Co- Claimant's Interests in a Mining Claim or Site	240	900	+660	Adjustment due to an increase in the estimated number of responses.
43 CFR Part 3838 Notice of Intent to Locate Under the Stock Raising Homestead Act Form 3830-3	113	154	+41	Adjustment due to an increase in the estimated number of responses.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We have no plans to publish this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the OMB control number and expiration date on Forms 3830-2 and 3830-3.

18. Certification

There are no exceptions to the certification statement.