
**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**PAPERWORK REDUCTION ACT SUBMISSION
SUPPORTING STATEMENT A**

COAL MANAGEMENT (43 CFR 3400-3480)

OMB CONTROL NUMBER 1004-0073

Terms of Clearance: When the Office of Information and Regulatory Affairs (OIRA) last reviewed the collections of information under this Office of Management and Budget (OMB) Control Number, OIRA required that changes to the Bureau of Land Management's (BLM) relevant Instruction Memoranda be reviewed by OIRA. No changes have been made to the relevant Instruction Memoranda since OMB last reviewed this OMB Control Number.

Abstract: This collection enables the BLM to learn the extent and qualities of Federal coal resources; evaluate the environmental impacts of coal leasing and development; determine the qualifications of prospective lessees to acquire and hold Federal coal leases; and ensure lessee compliance with applicable statutes, regulations, and lease terms and conditions. This OMB Control Number is currently scheduled to expire on April 30, 2023. The BLM request that OMB renew this OMB Control Number for an additional three years.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The BLM seeks to renew the previously approved information collection for the regulations at 43 CFR Parts 3400 through 3480. These regulations implement the following statutes:

- Mineral Leasing Act, 30 U.S.C. 201 *et seq.*;
- Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351-360;
- Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 *et seq.*; and
- Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The BLM needs the required information to:

- Learn the extent and qualities of Federal coal resources;
- Evaluate the environmental impacts of coal leasing and development;
- Determine the qualifications of prospective lessees to acquire and hold Federal coal leases;
- Assure receipt of the fair market value for coal contained within each lease;
- 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;
- Ensure leases are managed for the maximum economic recovery of the coal within each lease;
- Ensure that accurate records are kept of all Federal coal produced;
- Manage publicly owned coal through lease or exchange;

- Oversee the statutes related to exploration, development, production, resource recovery and protection, and certain abandonment procedures; and
- Require that licensees conduct their activities in an environmentally sound manner.

We do not require a specific form to collect the required information, except where a respondent seeks one of the following actions:

- Award of Coal Lease (Form 3400-12);
- Preference Right Coal Lease (Form 3400-12); or
- License to Mine Coal (Form 3440-1).

43 CFR Part 3410 Application for an Exploration License

Before the issuance of a coal lease, exploration for coal on the Federal mineral estate may be authorized by an exploration license for a term of up to two years. Applications for an exploration license may be filed at the BLM State Office having jurisdiction over the lands that are involved, in accordance with 43 CFR 3410.2-1. No specific form is required, but an application must contain an exploration plan that complies with the requirements of 43 CFR 3482.1(a). An application must include a description of the area involved, and three copies of an exploration plan.

A fixed fee is required under 43 CFR 3473.2. The amount is set at 43 CFR 3000.12, as updated annually. The most recent update is at 86 FR 56440 (Oct. 4, 2021).

The BLM uses the information in the application to locate the proposed exploration site; determine if the lands are subject to entry for coal exploration; and make sure the exploration plan is adequate to safeguard natural and socio-economic environment resource values, public and worker health, and safety. A filing fee must accompany the application. A bond is required before an exploration license may be issued. 43 CFR 3410.3-4.

43 CFR Part 3410 Relinquishment of an Exploration License

A licensee may relinquish an exploration license for all or any portion of the lands covered by it. Under 43 CFR 3410.3-1(d), a relinquishment must be filed in the BLM State Office in which the original application was filed.

43 CFR Part 3410 Modification of an Exploration License

A licensee may request a modification of an exploration plan under 43 CFR 3410.3-1(f).

43 CFR Part 3410 Collection and Submission of Data

Under 43 CFR 3410.4, the BLM may require a licensee to collect ground and surface water data that are available to the licensee in the conduct of an approved exploration plan. The licensee is also required to provide all geological, geophysical, and coal sample analysis collected. The BLM uses this information to estimate coal resource values and to monitor any environmental impacts to water resources. All such data will be considered confidential and not made public until the areas involved have been leased or until the BLM determines that public access to the data would not damage the competitive position of the licensee or participants to the license (43 CFR 3410.2-1(c)), whichever comes first.

43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / Individuals

43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / Private Sector

43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / State, Local, and Tribal Governments

Competitive leasing under subpart 3420 has become much less common than leasing on application under subpart 3425. For this reason, we have used minimal numbers of responses in our analysis of the burdens of each information collection under this subpart. In general, subpart 3420 establishes a system to:

- Promote the timely and orderly development of Federal coal deposits that involves land use planning and environmental analyses;
- Ensure that Federal coal deposits are leased at fair market value; and
- Ensure Federal coal deposits are developed in consultation, cooperation, and coordination with the public, State and local governments, Indian tribes, and other Federal agencies.

The Secretary may not hold a lease sale under 43 CFR subpart 3420 unless lands containing the coal deposits are included in a comprehensive land use plan or land use analysis. 43 CFR 3420.1-4(a). Before, or as part of, a land use planning process or other land use analysis, the BLM may issue a Call for Coal and Other Resource Information in order to formally solicit indications of interest and information on coal resource development potential. 43 CFR 3420.1-2. Responses may be submitted by individuals; the private sector; or Federal, State, local, and tribal governments. The BLM uses the information in the responses to identify other resources that may be sensitive to development of coal resources, and to identify any preliminary interest or opposition to coal leasing in the local BLM planning area. The BLM treats any proprietary data marked as confidential in accordance with the pertinent statutes and regulations.

43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / Individuals

43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / Private Sector

The screening procedures for identifying areas acceptable for further consideration for leasing, at 43 CFR 3420.14, include a requirement at 43 CFR 3420.14(e)(4) to solicit information from all “qualified surface owners” whose lands overlie coal deposits. The purpose of seeking such information is to determine the owners’ preference for or against mining by surface (rather than underground) mining techniques. As defined at 43 CFR 3400.0-5(gg), “qualified surface owners” include natural persons (i.e., individuals) and corporations that meet established ownership, residency and use standards. The BLM uses the information to assist in the decision whether to include the possibility of surfacing mining in the land use plan or land use analysis.

43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / State, Local, and Tribal Governments

Before adopting a comprehensive land use plan or land use analysis that makes an assessment of lands acceptable for further considering for leasing, the BLM is required, at 43 CFR 3420.1-7, to consult with the Governor and the State agency charged with the responsibility for maintaining the State’s unsuitability program (43 CFR 3461.1), as well as any tribal government that administers areas within or near the boundaries of the land use plan or land use analysis being prepared by the BLM. The BLM uses the information to assist in the decision whether to include the possibility of surfacing mining in the land use plan or land use analysis.

43 CFR Part 3420, Subpart 3420 Expression of Leasing Interest

If the BLM identifies lands that are acceptable for further consideration for leasing in a comprehensive land use plan or land use analysis, the BLM may issue a call for expressions of leasing interest. 43 CFR 3420.3-2. Expressions of leasing interest include geological and geographical information for specific areas to assist the BLM in determining whether coal leasing will occur. The BLM uses this information to recommend to the Secretary of the Interior the quantity, quality, and location of Federal coal resources for future leasing opportunities, and to recommend whether to schedule a regional coal lease sale. All information submitted in response to this call is available for public inspection and copying upon request. Data which otherwise may be considered proprietary will not be treated as confidential if they are submitted as part of an expression of leasing interest.

43 CFR Part 3420 Subpart 3422 Fair Market Value and Maximum Economic Recovery

After the BLM has made a decision to hold a competitive lease sale for Federal coal, subpart 3422 provides processes and procedures for the sale of a prospective Federal coal lease. The lease sale processes and procedure in this subpart apply to regional coal lease sales and the sale of a lease by application. 43 CFR 3425.4(b).

Under 43 CFR 3422.1, the BLM solicits public comments on the fair market value appraisal and the maximum economic recovery of the tract or tracts proposed to be offered, and on factors that may affect these determinations by the BLM. The BLM uses the information to refine the presale fair market values determination and to establish the criteria for evaluating the bids for a new Federal coal lease that are received in response to a notice of sale.

43 CFR Part 3420 Subpart 3422 Bid in Response to Notice of Sale

Bids received by the BLM in response to a BLM notice of sale must be submitted in accordance with 43 CFR 3422.3-2, and in accordance with the bidding instructions in the notice of sale (see 43 CFR 3422.2(c)). The BLM requires bidders to submit a sealed bid; a payment at least equal to one-fifth of the amount of the total bonus; and information concerning citizenship and interests held. The BLM uses this information to determine if a bid has met or exceeded the pre-sale estimate of value of the proposed lease and if the prospective lessees is qualified to acquire and hold Federal coal leases.

43 CFR Part 3420 Subpart 3422 Consultation with the Attorney General

Under 43 CFR 3422.3-4, the successful bidder must 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 submits its coal 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 issuing a coal lease to the successful bidder would create an anti-competitive situation.

43 CFR Part 3420 Subpart 3422 Award of Lease

The awarding of a lease is addressed at 43 CFR 3422.4. Form 3400-12 (Coal Lease) 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 and the BLM authorized officer both need to sign Form 3400-12 to officially establish the lease. The components of Form 3400-12 are:

- Name and address of the lessee (the successful bidder);
- Effective date of the lease;
- The statutory authority for the lease (either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands);
- Description of the lands;
- Number of acres;
- Terms and conditions;
- Special stipulations;
- Signature and title of lessee and of representative of the BLM; and
- Date.

Note: Form 3400-12 is also used in awarding leases under 43 CFR Part 3430.

43 CFR Part 3420, Subpart 3425 Application Nominating a Tract for a Competitive Lease Sale

The objective of Subpart 3425 is to provide an application process through which the BLM may consider holding lease sales apart from the leasing process set out in 43 CFR 3420.3 through 3420.5-2 where an emergency need of coal deposits not yet leased is demonstrated, or in areas not within certified coal production regions. The collection of information in this process begins with an application to propose a tract for leasing. Three copies of the application, including data required by the regulations at Subpart 3425, must be filed in the BLM state office with jurisdiction over the lands that are involved. 43 CFR 3425.1-1.

Under 43 CFR 3425.1-2 and 3473.2, the application must be accompanied by a filing fee. The amount of the fee is determined on a case-by-case basis in accordance with the criteria at 43 CFR 3000.11.

Under 43 CFR 3425.1-3, all applicants must meet the qualifications specified in 43 CFR subpart 3472.

Under 43 CFR 3425.1-4, if an applicant wants the BLM to hold an emergency lease sale, the following information is required:

- Documentation that an emergency situation exists;
- 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.

The BLM uses this information to:

- Determine whether an emergency exists for leasing the Federal coal
- Evaluate the availability of the land area and its suitability for coal leasing; and
- Determine the appropriateness of the mining proposal submitted.

Under 43 CFR 3425.1-5, if an applicant wants the BLM to hold a lease sale covering coal deposits outside coal production regions, the applicant must provide the BLM with sufficient information to:

- Evaluate the quality, quantity, maximum economic recovery, and fair market value of the Federal coal included in the tract;
- Determine whether the proposed lease sale would be consistent with applicable land use plans; and
- Analyze the environmental impacts.

See 43 CFR 3425.1-7, 3425.2, and 3425.3.

43 CFR Part 3420, Subpart 3427 Surface Owner Consent

This subpart provides procedures for the protection of a qualified surface owner of split estate lands. There is only one information collection requirement in Subpart 3427. It is found at 43 CFR 3427.2(c) (Surface owner consent).

A prospective lessee and the qualified surface owner may execute consents or written agreements on the split-estate tract allowing entry and commencement of surface mining operations. 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 the qualified surface owner(s);
- The express consent by the qualified surface owner allowing the right to enter and commence surface mining;
- The name, ownership interest, and legal address of the party making the filing (generally this is the lease applicant); and
- A statement that all the rights and obligations of the holder of the consent are assumed or transferred to the successful high bidder for the prospective coal lease for development of the federal coal on the split estate land.

The BLM uses this information to notify the prospective lessees and surface owners concerning the split-estate coal lease tract, whether we offer the tract for a lease sale, and the most efficient mining method. Note: the surface owner consent requirements do not apply to preference right lease applications.

43 CFR Part 3430, Subpart 3430 Preference Right Lease

As amended in 1976, the Mineral Leasing Act requires that prospecting permits and preference right leasing for coal be replaced with a system that requires, respectively, exploration licenses and competitive leasing. The adjudication

of the few remaining prospecting permits, which pre-date the 1976 amendments, has not been completed. Hence, there is a continued need for the regulations implementing prospecting permits and preference right leasing for coal.

A holder of a prospecting permit may apply for a non-competitive preference right coal lease under 43 CFR subpart 3430. The BLM first requires the applicant to make an initial showing under 43 CFR 3430.2-1. That showing includes coal quality and quantity data; a map of the area; and a narrative statement explaining the anticipated scope of the proposed mining operation, the mining method to be used and an estimate of the expected mining sequence and production rate, and the relationship, if any, between mining operations planned on the land applied for and existing or planned mining operations and facilities on adjacent lands. The BLM may request any other information necessary to conduct an environmental analysis of the proposed lease and mining operation, formulate mitigating measures and lease terms, and determine commercial quantities.

After the applicant has completed the initial showing, the BLM prepares an environmental analysis (EA) or environmental impact statement (EIS), and requests a final showing by providing the applicant with a proposed lease (on Form 3400-12) that includes any proposed stipulations, and a copy of the EA or EIS. The applicant's final showing, under 43 CFR 3430.4-1, must include an estimate of coal revenues; an explanation of how the applicant proposes to comply with the proposed lease terms; an estimate of the costs of developing the mine, removing the coal, processing the coal to make it salable, transporting the coal, paying applicable royalties and taxes, and complying with all applicable statutes, regulations, lease terms, and special stipulations; and if the proposed mine would be part of a logical mining unit (see 43 CFR subpart 3487), the estimated costs and revenues of the combined mining venture.

The components of the prospective lease (on Form 3400-12) are:

- Name and address of the prospective lessee (the applicant);
- Effective date of the lease;
- The statutory authority for the lease (either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands);
- Description of the lands;
- Number of acres;
- Terms and conditions; and
- Special stipulations.

The BLM uses this information to determine whether an applicant qualifies for a preference right coal lease. The BLM can further modify the lease stipulations based on an analysis of the final showing. If the applicant qualifies for a preference right lease, the prospective lessee and the BLM authorized officer must sign and date Form 3400-12 to officially establish the lease.

There are no fees for adjudication of a prospecting permit into a preference right lease.

Note: Form 3400-12 is also used in awarding leases under 43 CFR Part 3422.

43 CFR Part 3430, Subpart 3432 Lease Modification

Under 43 CFR 3432.1, a lessee may apply to the BLM to modify an existing lease to add contiguous lands. The BLM requires the lessee to supply information describing the additional lands, the need for the modification, the reasons why the modification would serve the interests of the United States, that there is no competitive interest in the lands or deposits, the additional lands cannot be developed as part of another potential or existing independent mining operation, and for an environmental analysis (EA) or environmental impact statement (EIS). 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 proposed lease modification.

There is a cost recovery fee associated with this collection of information. 43 CFR 3473.2(g). The amount is calculated on a case-by-case basis in accordance with 43 CFR 3000.11.

43 CFR Part 3440 Application and License to Mine Coal (Free Use)

The Mineral Leasing Act, at 43 U.S.C. 208, authorizes the Secretary of the Interior to issue limited licenses to individuals or associations of individuals to prospect for, mine, and take coal for local domestic needs but not for sale.

Under 43 CFR 3440.1-1, the BLM requires applicants to submit, on four copies of Form 3440-1 (Application and License to Mine Coal), information concerning the land applied for, the estimated tonnage to be mined annually, and the applicant's qualifications to hold a license to mine. The components of Form 3440-1 are:

- Name and address of licensee(s) (the applicant(s));
- Number of acres involved;
- The purpose for which the coal is to be used;
- Approximate number of tons that is required annually for such purpose;
- Indication of whether the required filing fee is attached (and if not, an explanation);
- Terms and conditions;
- Special stipulations;
- Certification that the purpose in obtaining the license is consistent with purpose set forth in 43 CFR Part 3440;
- Signature(s) of licensee(s) (the applicant(s)) and date; and
- A box in which an official of the BLM checks off the statutory authority for issuing the license (either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands), writes in the effective date of the license, and signs it.

The license to mine is not authorized until Form 3440-1 is also signed by the BLM authorized officer.

A fixed fee is required under 43 CFR 3473.2. The amount is set at 43 CFR 3000.12, as updated annually. The most recent update is at 86 FR 56440 (Oct. 4, 2021).

The BLM uses the information to verify the use of the resource and qualifications of applicants to hold a license to mine in a specified area.

43 CFR Part 3450, Subpart 3452 Relinquishment of a Lease

Under 43 CFR 3452.1-1 and 3452.1-2, a lessee may request to relinquish an entire lease, a legal subdivision thereof, an aliquot part thereof (not less than 10 acres), or any bed of the coal deposit therein. The BLM lessee must file the request to relinquish in triplicate in the BLM State Office having jurisdiction over the lands involved. The BLM uses the information in the application to determine whether to grant the relinquishment and to maintain accurate and complete knowledge of the extent and location of Federal coal leases.

Note: In some circumstances, a request to relinquish a lease must include additional information set forth at 43 CFR 3472.1-2(e)(4)(iv). That information is discussed, and the burdens analyzed, under the heading, "43 CFR Part 3470, Subpart 3472 Other Qualification Requirements / Private Sector."

43 CFR Part 3450, Subpart 3453 Transfer by Assignment, Sublease or Otherwise

Under 43 CFR 3453.2-1, 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 as required by 43 CFR 3422.3-4 (See discussion at Subpart 3422 Lease Sales); and
- Any value paid or promised for the lease.

A fixed fee is required under 43 CFR 3473.2. The amount is set at 43 CFR 3000.12, as updated annually. The most

recent update is at 86 FR 56440 (Oct. 4, 2021).

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.

43 CFR Part 3470, Subpart 3471 Land Description Requirement

This information collection activity involves legal description of lands for which there is an application for a lease and license. The BLM uses the information in the application to:

- Ensure that the exact location of leases and licenses are known;
- Ensure that the United States owns the mineral interests in the lands requested;
- Ensure an exact accounting of the Federal coal resources;
- Determine whether to allow coal leasing;
- Evaluate the land area's availability for coal leasing;
- Determine the suitability for coal leasing; and
- Assess the appropriateness of the mining proposal.

Under 43 CFR 3471.1-1, the BLM requires applicants to submit a complete description of the lands and any legal surveys before an exploration license, license to mine; lease or lease modification may be issued. The BLM uses the information.

43 CFR Part 3470, Subpart 3471 Future Interest Lease Application

Under 43 CFR 3471.4, interested entities may apply for a lease for lands in which the United States has a future interest. Under 43 CFR 3472.1-2(g), the applicant must submit documentation that the applicant holds, in fee or by lease, the present interest in the coal deposit subject to the application. The application must be filed no more than two years before the date the lands will vest in the United States.

43 CFR Part 3470, Subpart 3472 General Qualification Requirements

Under 43 CFR 3472.1-2(a), all prospective lessees must provide the BLM with a signed statement showing that, including the area applied or bid for, the applicant or bidder's interests in leases and lease applications, held directly or indirectly, do not exceed in the aggregate the acreage limitations at 43 CFR 3472.1-3.

Under 43 CFR 3472.1-2(e)(2), any entity seeking to obtain a lease or approval of a transfer of a lease must certify, in writing, that the entity is in compliance with the Mineral Leasing Act and the regulations pertaining to lease qualification requirements. The entity's self-certification statement must include:

- A statement that the entity is qualified to be issued a lease or to have a transfer approved in accordance with the presumption of control or the presumption of noncontrol requirements 43 CFR 3400.0-5(rr), and in accordance with the producing requirements at 43 CFR 3472.1-2(e)(6); and
- Justification rebutting the presumption of control requirements at 43 CFR 3400.0-5(rr), if the entity's instruments of ownership of the voting securities of another entity or of its voting securities by another entity are 20 through 50 percent.

Under 43 CFR 3472.2-1, all prospective lessees and licensees must submit to the BLM a signed statement that the applicant or bidder either is or is not the sole party in interest. If the applicant or bidder is not or will not be the sole party in interest, the applicant or bidder must submit a list of the names of the other interested parties, and a separate or joint statement signed by them and the applicant or bidder setting forth the nature and extent of the interest of each in the application or bid, the nature of the agreement between them, if oral, and a copy of such agreement if written. Each interested party must furnish evidence of his/her/its qualification to hold such interest in the lease or license to mine including a statement regarding knowledge of written consent from any qualified surface owner for the area involved.

All applicants and bidders must give the BLM information about their citizenship and the extent of their coal

holdings, as follows:

- Under 43 CFR 3472.2-2(a), if an applicant or bidder is an individual, he/she must submit a signed statement setting forth his/her citizenship with each application or bid.
- Under 43 CFR 3472.2-2(b), if the applicant or bidder is an association or partnership, the application or bid must be accompanied by a certified copy of the articles of association or partnership, together with a statement showing that the association or partnership is authorized to hold a lease or license to mine, that the member or partner executing the lease or license to mine is authorized to act on behalf of the association or partnership in such matters, the names and addresses of all members owning or controlling more than 10 percent of the association or partnership and their citizenship and holdings.
- Under 43 CFR 3472.2-2(c), if the applicant or bidder is a corporation, it must submit statement showing the state of incorporation, that the corporation is authorized to hold leases or licenses to mine, the names of the officers authorized to act on behalf of the corporation, the percentage of the corporation's voting stock and all of the stock owned by aliens or those having addresses outside of the United States, and the name, address, citizenship, and acreage holdings of any stockholder owning or controlling 10 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation must provide their names and addresses, the amount of stock held by each such person, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. Applications on behalf of a corporation executed by other than an officer must be accompanied by proof of the signatory's authority to execute the instrument. The applicant or bidder must submit the same information as is required for any of its corporate stockholders holding, owning, or controlling 10 percent or more its stock of any class.

Under 43 CFR 3472.2-3, an application or bid for a lease or license to mine must be signed by the applicant or bidder, or by the attorney-in-fact. If executed by an attorney-in-fact the application or bid must be accompanied by the power of attorney and the applicant's or bidder's own statement as to citizenship and acreage holdings unless the power or attorney specifically authorizes and empowers the attorney-in-fact to make such statement or to execute all statement which may be required by the BLM. If the application or bid is signed by an attorney-in-fact or agent, it must be accompanied by a statement over the signature of the attorney-in-fact or agent, and a separate statement personally signed by the applicant or bidder stating whether there is any agreement or undertaking, written or oral, whereby the attorney-in-fact or agent has or is to receive any interest in the lease, if issued.

43 CFR Part 3470, Subpart 3472 Other Qualification Requirements / Private Sector

The following information collection requirements apply in limited circumstances and are in addition to the generally applicable qualification requirements discussed above.

1. Under 43 CFR 3472.1-2(c), each applicant or bidder that is a common carrier railroad must submit a statement that it needs the coal for which it seeks a lease solely for its own railroad use, that it operates main or branch lines in the state in which the lands involved are located, that the aggregate acreage in the leases and applications in which it holds an interest, directly or indirectly, does not exceed 10,240 acres, and that it does not hold more than one lease for each 200 miles of its railroad lines served or to be served from such coal deposits.
2. Under 43 CFR 3472.1-2(e)(4)(iv), an entity that wishes to relinquish a lease obtained in a transfer approved under 43 CFR subpart 3453, where the transferor has retained a right-of-first-refusal, may file for relinquishment under 43 CFR part 3452, and must submit the following additional information:
 - Sufficient documentation to enable the BLM to determine that, in fact, such a right-of-first-refusal exists and prevents approval or disapproval of the pending relinquishment by the BLM;
 - A statement recognizing that action by the BLM on the pending relinquishment will be conditioned on the execution, or lack thereof, of the assignment under the right-of-first-refusal, as well as on the approval or disapproval of the assignment, if executed, under 43 CFR subpart 3453;
 - An application for arm's-length lease assignment signed by the entity as well as proof that it has been submitted to the transferor that retained the right-of-first-refusal (for example, copy of certified mail

- delivery); and
- The name(s) and address(es) of the transferor(s) that retained the right-of-first-refusal.

Following receipt of this information, the BLM may approve or disapprove the requested relinquishment, depending on the circumstances.

3. Under 43 CFR 3472.2-2(d), if a bidder wants to qualify as a small business for the purpose of bidding on any tract to be offered as part of a special opportunity lease sale for small businesses, the bidder must submit evidence demonstrating qualification under 13 CFR part 121.
4. Under 43 CFR 3472.2-2(e), where there is a legal guardian or trustee, the following information must be provided:
 - A copy of the court order or other document authorizing the guardian or trustee to act as such and to fulfill on behalf of the ward or beneficiary all obligations of the lease or other obligations arising thereunder; the person submitting any such document must in some manner indicate its authenticity;
 - A statement by the guardian or trustee as to his or her citizenship and holdings of acreage in Federal coal leases both individually and for the benefit of any person;
 - A statement by each ward and beneficiary as to his or her citizenship and holdings; if the ward or beneficiary is a minor, the statement must be executed for the minor by the guardian or trustee; and
 - Any supplementary information that is needed to accredit acreage.
5. Under 43 CFR 3472.4, if an applicant or bidder dies before issuance of a license to mine or lease, the license or lease will be issued to the heirs or devisees, but only if the following information has been filed:
 - Where probate has not been completed, evidence that the person who acts as executor or administrator has the authority to act in that capacity and to act on the application or bid, evidence that the heirs or devisees are the heirs or devisees of the deceased applicant or bidder, and are the only heirs or devisees of the deceased, and a statement over the signature of each heir or devisee concerning citizenship and holdings.
 - Where the executor or administrator has been discharged or no probate proceedings are required, a certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant or bidder, and citing the provisions of the law of the deceased's last domicile showing that no probate is required, and a statement over the signature of each of the heirs or devisees with reference to citizenship and holdings, except that if the heir or devisee is a minor, the statement shall be over the signature of the guardian or trustee.

The BLM uses the information described above to determine the qualifications of the prospective lessees to acquire and hold Federal coal leases.

43 CFR Part 3470, Subpart 3472 Other Qualification Requirements / Public Bodies

The collections of information described here apply in the limited circumstances in which “public bodies” apply or bid for a coal lease or license to mine. For purposes of coal leasing, the term “public bodies” means Federal and State agencies; political subdivisions of a State, including counties and municipalities; rural electric cooperative and similar organizations; and nonprofit corporations controlled by any such entities. 43 CFR 3400.0-5. Most information collections (including those in this submission) are not within the scope of the Paperwork Reduction Act if they are imposed on agencies, instrumentalities, or employees of the United States. See 44 U.S.C. 3502(3). Therefore, although we may collect information from “public bodies” that happen to be Federal agencies, our analysis of the burdens under this heading is limited to our collection of information from state and local governments. The following descriptions of relevant information collections are in addition to the generally applicable qualification requirements discussed above.

1. Under 43 CFR 3472.2-5(a), to qualify to bid for a lease on a tract offered for sale under 43 CFR 3420.1-3, a public body must submit:

- Evidence of the manner in which it is organized;
 - Evidence that it is authorized to hold a lease;
 - A definite plan as described at 43 CFR 3420.1-3(b) to produce energy within 10 years of issuance of the prospective lease solely for its own use or for sale to its members of customers (except for short-term sales to others); and
 - Evidence that the definite plan has been duly authorized by its governing body.
2. Under 43 CFR 3472.2-5(b), in order to obtain a license to mine, a public body that is a municipality must submit with its application:
- Evidence of the manner in which it is organized;
 - Evidence that it is authorized to hold a license to mine; and
 - Evidence that the action proposed has been duly authorized by its governing body.
3. Under 43 CFR 3472.2-5(c), in order to qualify to bid for a lease on a tract of acquired land set apart for military or naval purposes, a governmental entity must submit:
- Evidence of the manner in which it is organized, including the State in which it is located;
 - Evidence that it is authorized to hold a lease;
 - Evidence that the action proposed has been duly authorized by its own governing body; and
 - Evidence that it is producing electricity for sale to the public in the state where the lands to be leased are located.

Note: Some of these requirements are reiterated at 43 CFR 3472.1-2(f).

43 CFR Part 3470, Subpart 3474 Bonds

Under 43 CFR 3410.3-4, 3453.2-4, 3474.1, and 3474.2, once the bond amount has been determined by the BLM the successful bidder, lessee, or licensee must furnish proof of a bond to the BLM before a lease, exploration license, or license to mine, 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 under the terms of the lease or license. The BLM may also adjust the bond amount to reflect a change in conditions. We will terminate the bond when all requirements are satisfied. A successful bidder for a lease must provide the BLM and the Office of Natural Resources Revenue (ONRR) sufficient information that the bidder has a history of timely payment of noncontested royalties, advance royalties and bonus bid installments to allow the BLM to waive the requirement to bond for one annual payment of deferred bonus.

43 CFR Part 3480, Subpart 3481 Accident / Unsafe Conditions Report

Under 43 CFR 3481.1(d), the operator/lessee must submit to the BLM an immediate report of conditions or accidents causing severe injury or loss of life that could affect mining operations conducted under the approved mining plan. Within 30 days of an accident, the operator/lessee must submit a detailed report of the damage caused and any corrective action(s) taken. The BLM uses the information to ensure mining operations are conducted in a manner which will not threaten the recovery of the Federal coal resources, pose imminent danger to the public health and safety or the safety and welfare of the miners, and through coordinated efforts with both Federal and State safety officials, as applicable, that unsafe or potentially hazardous practices or conditions are corrected in an appropriate manner.

43 CFR Part 3480, Subpart 3482 Exploration Plan

Under 43 CFR 3482.1(a), an applicant for an exploration license (see 43 CFR subpart 3410) must file an exploration plan, containing the following information:

- The exact location of the affected lands;
- The names and contact information for all surface owner within the affected lands;

- The name and address of the party conducting and responsible for the exploration; and
- A description of the proposed exploration and reclamation methods.

The BLM uses the information to determine whether the prospective licensee would explore and reclaim the exploration area in an environmentally sound manner and would not unduly damage the coal or other resources.

43 CFR Part 3480, Subpart 3482 Resource Recovery and Protection Plan

Under 43 CFR 3482.1(b) and 3482.2(c), the BLM requires a resource recovery and protection plan (R2P2) before a lessee or licensee conducts development or mining operations of Federal coal. The following information is required in an R2P2:

- 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. This information also supports a decision by BLM whether to recommend to the Assistant Secretary for Lands and Minerals Management the approval, disapproval, or modification of the Surface Mining Control and Reclamation Act mining permit that includes the lease.

43 CFR Part 3480, Subpart 3482 Modification of Exploration Plan or Resource Recovery and Protection Plan

Under 43 CFR 3482.2(b), the BLM may require a coal lessee to revise or supplement a previously approved R2P2 or exploration plan. Under 43 CFR 3482.2(c), a coal lessee may propose modifications to a previously approved R2P2 or exploration plan. Such requests for revisions must be in writing. The BLM uses the information to adjust to changed conditions, correct oversights, reflect changes in legal requirements, and/or determine whether to grant changes proposed by the lessee.

43 CFR Part 3480, Subpart 3482 Maps of Mining Operations

Under 43 CFR 3482.3, 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, license, and permit numbers;
- The area(s) where coal was severed from the lease during the reporting period.
- The strike and dip of all coal beds being mined;
- The map scale and orientation;
- The location, depth, and diameter of all auger or highwall mining holes; and
- The topography, isopach maps 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 verification of coal production quantities that are reported by the lessee. The BLM uses no specific form to collect the information.

43 CFR Part 3480, Subpart 3483 Lease Suspension

Under 43 CFR 3483.3, coal lease operators or lessees may apply to the BLM for a suspension of the operation and

production requirements. The BLM coal lease operators or 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.

43 CFR Part 3480, Subpart 3483 Request for Payment of Advance Royalty in Lieu of Continued Operation

Under 43 CFR 3483.4, coal lessees may apply to pay to the BLM advance royalties in lieu of continued operations. A coal lessee is eligible for this benefit only after meeting diligent development requirements. Advance royalties are allowed for no more than 20 years to meet the continued operation requirement. For Federal Coal Lease Advance Royalty, coal lessees must apply in writing to the BLM to pay advance royalty within 30 days after the start of the 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 may not pay advance royalty until the BLM authorizes such payment.

43 CFR Part 3480, Subpart 3484 Drill and Geophysical Logs

In conjunction with performance standards for exploration, the BLM requires lessees and licensees to retain for one year all drilling and geophysical records or logs and make them available for inspection. 43 CFR 3484.1(a)(4). The BLM may also require retention of representative core samples from exploratory drilling for one year. 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, the coal reserve base, the fair market value of the tract, and for verification of the quantity of coal production.

43 CFR Part 3480, Subpart 3484 Unexpected Wells or Drill Holes

Under 43 CFR 3484.1(b)(3), the BLM requires lessees to report promptly any unexpected wells or drill holes that are encountered during mining activities on a lease, and which could adversely affect the recovery of coal during mining operations, and must not take any further action that would disturb such drill holes or wells without the approval of the BLM. The BLM uses the information to help ensure the maximum economic recovery of the coal resource.

43 CFR 3480, Subpart 3485 Waiver, Suspension, or Reduction of Rent / Royalty Rate Reduction

Under 43 CFR 3485.2(c), coal lessees may apply to the BLM for a temporary waiver, suspension, reduction of the rent, or a reduction of the royalty rate specified in the lease terms. See also 43 CFR 3473.3-2(e) and 30 U.S.C. 209 (authorizing the Secretary to waive, suspend, or reduce the rental, or reduce the royalty upon application by a lessee). The lessee must submit information to the BLM to justify this benefit, and include sufficient technical and financial information to enable the BLM to determine whether such a reduction, suspension, or waiver would:

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

The application must be accompanied by a processing fee. See 43 CFR 3473.2(d). The amount of the fee is determined on a case-by-case basis in accordance with the criteria at 43 CFR 3000.11.

The BLM uses the information to determine whether to grant a temporary waiver, suspension, or reduction of rental or a reduction of royalty rates.

43 CFR 3480, Subpart 3485 Exploration Report

Under 43 CFR 3485.1(a) through (c), operators or lessees must file annual exploration reports within 30 days after the end of each calendar year and promptly after the completion of or suspension of exploration 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 any estimate of the coal reserves discovered or defined from the drilling. The BLM uses this information to determine the characteristics and extent of site-specific coal resources, and thereby the extent of future applications for a coal lease.

43 CFR Part 3480, Subpart 3486 Address of Responsible Party

Under 43 CFR 3486.2, lessees and licensees must provide the BLM with the current names and addresses of the operator of coal mining operations that include Federal coal leases or licenses. The BLM uses this information to contact the operators of the coal mining operations.

43 CFR Part 3480, Subpart 3486 Correction Report

Under 43 CFR 3486.3, the BLM will issue a notice of noncompliance to the operators, lessees, or licensees in the event of a violation of the lease terms or the conditions of an approved mining resource recovery and protection plans. Upon receipt of such a notice, an operator, lessee, or licensee must submit a written report to the BLM when the violations are corrected. The BLM uses this information to enforce the statutory and lease or license provisions for maximum economic recovery, diligent development, continued operations, and resource recovery and protection plans.

43 CFR Part 3480, Subpart 3487 Application for Formation or Modification of Logical Mining Unit

Under this subpart, an operator or lessee may apply to develop coal resources within a logical mining unit (LMU) consisting of one or more Federal leases. A logical mining unit may also include intervening or adjacent lands in which the United States does not own the coal.

Applicants must submit the following information for the BLM to determine whether an LMU 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 mining 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 mining operations within the LMU would achieve maximum economic recovery of the Federal resource.

Under 43 CFR 3473.2, the application must be accompanied by a processing fee. The amount of the fee is determined on a case-by-case basis in accordance with the criteria at 43 CFR 3000.11.

The BLM uses this information to determine whether to allow formation or modification of logical mining units.

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.

Respondents are lessees, licensees, or designated operators who apply to conduct coal exploration or extraction activities on Federal lands. The information requested is unique to each applicant and to each specific lease, license, or LMU. Many of the collection activities in this request do not readily lend themselves to electronic or other electronic collection techniques, due to the unique characteristics of each lease, license, or LMU and the need for very lengthy attachments in some cases. However, the BLM has adopted various means of non-form information collection, as needed. The BLM will accept non-form information in various forms such as electronic mail and computer diskettes from respondents who wish to submit the information electronically. The BLM maintains this

information in detailed case files for each lease, license, and LMU.

Forms 3400-12 and 3440-1 are electronically available to the public in fillable, printable format on BLM's Forms Web site at <http://www.blm.gov/noc/st/en/business/eForms.html>. A respondent may complete either form in the electronic format and choose to submit any or all of the forms electronically by emailing them to the appropriate BLM office.

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 specific to a particular location, lease, license, LMU, or applicant. The BLM sometimes shares information about mining operations with the United States Forest Service, the Office of Surface Mining Reclamation and Enforcement (or the designated State primacy agency), and information related to royalty payment and production verification with the Office of Natural Resources Revenue. In addition, the BLM sometimes needs to obtain information that is required by the Mine Safety and Health Administration concerning ground control and ventilation restrictions. However, the BLM needs to continue the information collection activities described in this request because of its distinct statutory missions for Federal coal management.

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

We estimate that less than 10 percent of the private-sector respondents qualify as small businesses. The information collection requirements generally are the same for all lessees or licensees. However, under 43 CFR 3472.2-2(d), if a bidder wants to qualify as a small business for the purpose of bidding on a tract to be offered as part of a special opportunity lease sale for small businesses, the bidder must submit evidence demonstrating qualification under 13 CFR part 121.

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.

The BLM manages and carries out the responsibilities of the Federal Coal Management Program. Failure to collect the requested information would prevent the BLM from knowing who is conducting mining operations, where the mining operations are located, and would preclude verification of how much coal was mined. Verification of production helps to ensure that royalty is paid for all the coal produced and sold. Reducing the burden would hinder or preclude the collection of sufficient information to determine if applicants meet the statutory, regulatory, and contractual requirements. Reducing the burden would also severely limit the BLM's ability to track and audit coal production, thereby impairing the Office of Natural Resource Revenue'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 requirements 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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On October 14, 2022, the BLM published a Federal Register notice soliciting comments for a period of 60 days on this collection of information (87 FR 62440). The comment period closed on December 13, 2022. No comments were received in response to this notice.

Additionally, as required by 5 CFR 1320.5(a)(1)(iv), BLM published a notice in the Federal Register announcing the submission of this request to OMB and allowing the public 30 days to send comments on the proposed extension of this OMB number to OMB.

The BLM has consulted with the following respondents to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported:

- President, Black Rock Energy, LLC, Jasper, AI 35504;
- Chief Engineer, Booth Energy, Debord, KY 41214; and
- Senior Manager Land, Peabody Energy, Gillette, WY 82717.

Two of the three respondents did not respond to our request for feedback. One commenter noted that the Application and License is consistent with minimum requirements in the industry on any land tract to be leased, explored or mined. The commenter also noted that the information and data collection is reasonably accurate, and that the response time was reasonable. The feedback that they provided was that the problematic issue is processing times within the agency. Each step leading up to an actual award and lease of property requires an unreasonable amount of time to be reviewed and approved.

The BLM is aware that processing times can be lengthy and is examining the potential for new efficiencies. In August 2021, the BLM published a Notice of Intent (NOI) to conduct a review of the federal coal leasing program. That notice served to inform the public of the BLM's intent to review the federal coal program and solicit comments from the public. In particular, the NOI posed whether the current regulatory framework should be changed to provide better mechanisms to decide which coal resources should be made available and how the leasing process should work, including when and where to lease. Over 77,000 responses were received and synthesized into a Comment Summary Report. Similar feedback about the time requirements for leasing actions were captured in the comment summary report which, for informational purposes, is included with this request. The BLM intends to use the comment summary report to guide further programmatic review and updates to the federal coal program.

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

The BLM does 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 Part 2). The BLM may require respondents to provide confidential or proprietary information on exploration actions (30 U.S.C. 201(b)(3) and 43 CFR 3410.4). The BLM treats any proprietary data marked as confidential, which is submitted under 43 CFR 3420.1-2 (Call for coal resource and other resource information), in accordance with pertinent statutes and regulations. 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 providing the information is required 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, 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.

The BLM does 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.**
- * **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.**

Tables 12-1 and 12-2 show the BLM's estimate of the hourly cost burdens for private-sector respondents and government respondents, respectively. The mean hourly wages for the private sector were determined using national Bureau of Labor Statistics data at https://www.bls.gov/oes/current/oes_nat.htm. The mean hourly wages for governments were determined using national Bureau of Labor Statistics data at https://www.bls.gov/oes/current/naics4_999200.htm. The benefits multipliers of 1.4 and 1.6 for private-sector respondents and government respondents, respectively, are supported by information at <http://www.bls.gov/news.r/ecec.nr0.htm>.

Table 12-1 – Hourly Cost Calculations / Private Sector and Individuals

Occupational Category	Hourly Pay Rate (\$/hour)	Benefits Multiplier	Hourly Rate with Benefits	Percent of Collection Time Completed by Each Occupation	Weighted Avg. (\$/hour)
General Office Clerk -- SOC 43-9061	\$18.75	1.4	\$26.25	10%	\$2.63
Mining Engineer -- SOC 17-2151	\$48.29	1.4	\$67.61	80%	\$54.08
Supr. Mining Engineer -- SOC 11-9041	\$76.43	1.4	\$107.00	10%	\$10.70
Total:	—	—	—	100%	\$67.41

Table 12-2 – Hourly Cost Calculations / State, Local, and Tribal Governments

Occupational Category	Hourly Pay Rate (\$/hour)	Benefits Multiplier	Hourly Rate with Benefits	Percent of Collection Time Completed by Each Occupation	Weighted Avg. (\$/hour)
General Office Clerk -- SOC 43-9061	\$17.83	1.6	\$28.53	10%	\$2.85
Mining Engineer -- SOC 17-2151	\$61.31	1.6	\$98.10	80%	\$78.48
Supr. Mining Engineer -- SOC 11-9041	\$56.64	1.6	\$90.62	10%	\$9.06
Total:	—	—	—	100%	\$90.39

The estimated hour and cost burdens are shown in Table 12-3, below, and are based on our experience with these collection activities and on and informal discussions with the respondents listed under Question #8. The estimates include time spent for researching, preparing, and submitting information. The weighted average hourly wage associated with these information collections is shown at Table 12-1 or Table 12-2 (above), as applicable. The frequency of response is “on occasion,” except 43 CFR Part 3480, Subpart 3485, Exploration Report. An exploration report is required within 30 days after the end of each calendar year and promptly upon completion or suspension of exploration operations. 43 CFR 3485.1(a) through (c).

Table 12-3 – Estimates of Hour and Cost Burdens

Type of Collection	Type of Respondent	Number of Responses Annually	Hours per Response	Annual Hour Burden	Hourly Wage Rate	Dollar Equivalent
43 CFR Part 3410 Application for an Exploration License	Private sector	6	36	216	\$67.41	\$14,560.56
43 CFR Part 3410 Relinquishment of an Exploration License	Private sector	12	12	144	\$67.41	\$9,707.04
43 CFR Part 3410 Modification of an Exploration Plan	Private sector	3	1	3	\$67.41	\$202.23
43 CFR Part 3410 Collection and Submission of Data	Private sector	12	18	216	\$67.41	\$14,560.56

Type of Collection	Type of Respondent	Number of Responses Annually	Hours per Response	Annual Hour Burden	Hourly Wage Rate	Dollar Equivalent
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information	Individuals	1	3	3	\$67.41	\$202.23
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information	Private sector	1	3	3	\$67.41	\$202.23
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information	State, Local, and Tribal Governments	1	3	3	\$90.39	\$271.17
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation	Individuals	1	1	1	\$67.41	\$67.41
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation	Private sector	1	1	1	\$67.41	\$67.41
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation	State, Local, and Tribal Governments	1	1	1	\$90.39	\$90.39
43 CFR Part 3420, Subpart 3420 Expression of Leasing Interest	Private sector	1	7	7	\$67.41	\$471.87
43 CFR Part 3420, Subpart 3422 Fair Market Value and Maximum Economic Recovery	Private sector	3	7	21	\$67.41	\$1,415.61
43 CFR Part 3420, Subpart 3422 Bid in Response to Notice of Sale	Private sector	3	56	168	\$67.41	\$11,324.88
43 CFR Part 3420, Subpart 3422 Consultation with the Attorney General	Private sector	3	4	12	\$67.41	\$808.92

Type of Collection	Type of Respondent	Number of Responses Annually	Hours per Response	Annual Hour Burden	Hourly Wage Rate	Dollar Equivalent
43 CFR Part 3420, Subpart 3422 Award of Lease Form 3400-12	Private sector	3	25	75	\$67.41	\$5,055.75
43 CFR Part 3420, Subpart 3425 Application Nominating a Tract for a Competitive Lease Sale	Private sector	5	300	1,500	\$67.41	\$101,115.00
43 CFR Part 3420, Subpart 3427 Surface Owner Consent	Private sector	3	1	3	\$67.41	\$202.23
43 CFR Part 3430, Subpart 3430 Preference Right Lease Form 3400-12 and non-form data	Private sector	1	800	800	\$67.41	\$53,928.00
43 CFR Part 3430, Subpart 3432 Lease Modification	Private sector	3	12	36	\$67.41	\$2,426.76
43 CFR Part 3440 Application and License to Mine Coal (Free Use) Form 3440-1	Private sector	2	21	42	\$67.41	\$2,831.22
43 CFR Part 3450, Subpart 3452 Relinquishment of a Lease	Private sector	5	18	90	\$67.41	\$6,066.90
43 CFR Part 3450, Subpart 3453 Transfer by Assignment, Sublease, or Otherwise	Private sector	9	10	90	\$67.41	\$6,066.90
43 CFR Part 3470, Subpart 3471 Land Description Requirements	Private sector	22	3	66	\$67.41	\$4,449.06
43 CFR Part 3470, Subpart 3471 Future Interest Lease Application	Private sector	1	16	16	\$67.41	\$1,078.56
43 CFR Part 3470, Subpart 3472 General Qualification Requirements	Private sector	4	3	12	\$67.41	\$808.92

Type of Collection	Type of Respondent	Number of Responses Annually	Hours per Response	Annual Hour Burden	Hourly Wage Rate	Dollar Equivalent
43 CFR Part 3470, Subpart 3472 Other Qualification Requirements	Private sector	4	1	4	\$67.41	\$269.64
43 CFR Part 3470, Subpart 3472 Other Qualification Requirements	State, Local, and Tribal Governments	4	1	4	\$90.39	\$361.56
43 CFR Part 3470, Subpart 3474 Bonds	Private sector	118	8	944	\$67.41	\$63,635.04
43 CFR Part 3480, Subpart 3481 Accident / Unsafe Conditions Report	Private sector	1	1	1	\$67.41	\$67.41
43 CFR Part 3480, Subpart 3482 Exploration Plan	Private sector	15	16	240	\$67.41	\$16,178.40
43 CFR Part 3480, Subpart 3482 Resource Recovery and Protection Plan	Private sector	27	20	540	\$67.41	\$36,401.40
43 CFR Part 3480, Subpart 3482 Modification of Exploration Plan or Resource Recovery and Protection Plan	Private sector	16	16	256	\$67.41	\$17,256.96
43 CFR Part 3480, Subpart 3482 Maps of Mining Operations	Private sector	670	20	13,400	\$67.41	\$903,294.00
43 CFR Part 3480, Subpart 3483 Lease Suspension	Private sector	4	21	84	\$67.41	\$5,662.44
43 CFR Part 3480, Subpart 3483 Request for Payment of Advance Royalty in Lieu of Continued Operation	Private sector	10	22	220	\$67.41	\$14,830.20
43 CFR Part 3480, Subpart 3484 Drill and Geophysical Logs	Private sector	12	1	12	\$67.41	\$808.92
43 CFR Part 3480, Subpart 3484 Unexpected Wells or Drill Holes	Private sector	1	1	1	\$67.41	\$67.41

Type of Collection	Type of Respondent	Number of Responses Annually	Hours per Response	Annual Hour Burden	Hourly Wage Rate	Dollar Equivalent
43 CFR Part 3480, Subpart 3485 Waiver, Suspension, and Reduction of Rent / Royalty Rate Reduction	Private sector	12	24	288	\$67.41	\$19,414.08
43 CFR Part 3480, Subpart 3485 Exploration Report (Annual)	Private sector	12	16	192	\$67.41	\$12,942.72
43 CFR Part 3480, Subpart 3486 Address of Responsible Party	Private sector	2	1	2	\$67.41	\$134.82
43 CFR Part 3480, Subpart 3486 Correction Report	Private sector	1	10	10	\$67.41	\$674.10
43 CFR Part 3480, Subpart 3487 Application for Formation or Modification of Logical Mining Unit	Private sector	1	170	170	\$67.41	\$11,459.70
Totals:	—	1,017	—	19,897	—	\$1,341,441

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Since this information collection has been in place for many years, respondents incur no annual capital or startup costs to prepare for or respond to the information collection. A new licensee or lessee may incur minor capital or

startup costs to initially prepare and respond to the information collection.

Several of the responses require payment of cost recovery fees in accordance with 43 CFR 3473.2, which incorporates by reference 43 CFR 3000.11 and 3000.12. These regulations were promulgated in accordance with Section 304 of the Federal Land Policy and Management Act (43 U.S.C. 1734), and the Independent Offices Appropriation Act (31 U.S.C. 9701), which authorize the BLM to recover costs of processing applications and other documents relating to the public lands. Moreover, OMB Circular 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.

Some of the fees are fixed, and others are determined on a case-by-case basis. Estimating the amount of the BLM’s case-by-case processing costs is difficult because there can be considerable variation in the processing costs. For the purposes of this information collection analysis, we are using average case-by-case cost recovery amounts, based on the criteria at 43 CFR 3000.11. The fixed fees can be found at 43 CFR 3000.12, as adjusted annually according to the change in the Implicit Price Deflator for Gross Domestic Product. The most recent adjustments were published on October 4, 2021 (86 FR 56440).

Table 13-1 – Document Processing Fees

Type of Collection	Number of Responses	Amount of Fee Per Response	Total Fees	Type of Fee
43 CFR Part 3410 Application for an Exploration License	6	\$370	\$2,220	Fixed
43 CFR Part 3420, Subpart 3425 Application Nominating a Tract for a Competitive Lease Sale	5	\$172,323	\$861,615	Case-by-case
43 CFR Part 3430, Subpart 3432 Lease Modifications	3	\$9,208	\$27,624	Case-by-case
43 CFR Part 3440 Application and License to Mine Coal (Free Use) Form 3440-1	2	\$15	\$30	Fixed
43 CFR Part 3450, Subpart 3453 Transfers by Assignment, Sublease, or Otherwise	9	\$75	\$675	Fixed
43 CFR Part 3480, Subpart 3485 Waivers, Suspensions, and Reductions of Rents / Royalty Rate Reductions	12	\$3,946	\$47,352	Case-by-case
43 CFR Part 3480, Subpart 3487 Application for Formation or Modification of Logical Mining Unit	1	\$3,947	\$3,947	Case-by-case
Totals:	38	—	\$943,463	—

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.

The Federal costs for these information collections pertain to the BLM’s staff time to review the submitted forms or other information required by 43 CFR 3400 to 3480. The hourly pay rates shown in Table 14-1 are from the Office of Personnel Management at: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS_h.pdf. The benefits multiplier of 1.6 is implied by information at: <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1 — Weighted Average Federal Hourly Cost

Occupational Category and GS Level	Hourly Pay Rate (\$/hour)	Benefits Multiplier	Hourly Rate with Benefits	Percent of Collection Time Completed by Each Occupation	Dollar Equivalent
Clerical -- GS-5/5	\$19.61	1.6	\$31.38	10%	\$3.14
Land Law Examiner --GS-9/5	\$29.72	1.6	\$47.55	30%	\$14.27
Geological or Mining Engineer -- GS-12/5	\$43.10	1.6	\$68.96	60%	\$41.38
Totals:	—	—	—	100%	\$58.79

Table 14-2, below, shows the estimated, annualized Federal costs for each component of this information collection. The estimated time spent to process the information collections is based on the BLM's experience. 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

Type of Collection	Number of Responses Annually	Hours per Response	Annual Hours	Weighted Hourly Rate	Federal Cost
43 CFR Part 3410 Application for an Exploration License	6	36	216	\$58.79	\$12,698.64
43 CFR Part 3410 Relinquishment of an Exploration License	12	12	144	\$58.79	\$8,465.76
43 CFR Part 3410 Modification of an Exploration Plan	3	5	15	\$58.79	\$881.85
43 CFR Part 3410 Collection and Submission of Data	12	18	216	\$58.79	\$12,698.64
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / Individuals	1	3	3	\$58.79	\$176.37
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / Private Sector	1	3	3	\$58.79	\$176.37
43 CFR Part 3420, Subpart 3420 Response to Call for Coal Resource and Other Resource Information / State and Local Governments	1	3	3	\$58.79	\$176.37
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / Individuals	1	1	1	\$58.79	\$58.79

Type of Collection	Number of Responses Annually	Hours per Response	Annual Hours	Weighted Hourly Rate	Federal Cost
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / Private Sector	1	1	1	\$58.79	\$58.79
43 CFR Part 3420, Subpart 3420 Surface Owner Consultation / State, Local, and Tribal Governments	1	1	1	\$58.79	\$58.79
43 CFR Part 3420, Subpart 3420 Expressions of Leasing Interest	1	4,559	4559	\$58.79	\$268,023.61
43 CFR Part 3420, Subpart 3422 Fair Market Value and Maximum Economic Recovery	3	7	21	\$58.79	\$1,234.59
43 CFR Part 3420, Subpart 3422 Bids in Response to Notice of Sale	3	4	12	\$58.79	\$705.48
43 CFR Part 3420, Subpart 3422 Consultation with the Attorney General	3	4	12	\$58.79	\$705.48
43 CFR Part 3420, Subpart 3422 Award of Lease Form 3400-12	3	25	75	\$58.79	\$4,409.25
43 CFR Part 3420, Subpart 3425 Application Nominating a Tract for a Competitive Lease Sale	5	4,559	22795	\$58.79	\$1,340,118.05
43 CFR Part 3420, Subpart 3427 Surface Owner Consent	3	1	3	\$58.79	\$176.37
43 CFR Part 3430, Subpart 3430 Preference Right Leases Form 3400-12	1	800	800	\$58.79	\$47,032.00
43 CFR Part 3430, Subpart 3432 Lease Modifications	3	12	36	\$58.79	\$2,116.44
43 CFR Part 3440 Application and License to Mine Coal (Free Use) Form 3440-1	2	21	42	\$58.79	\$2,469.18

Type of Collection	Number of Responses Annually	Hours per Response	Annual Hours	Weighted Hourly Rate	Federal Cost
43 CFR Part 3450, Subpart 3452 Relinquishment of a Lease	5	18	90	\$58.79	\$5,291.10
43 CFR Part 3450, Subpart 3453 Transfers by Assignment, Sublease, or Otherwise	9	10	90	\$58.79	\$5,291.10
43 CFR Part 3470, Subpart 3471 Land Description Requirements	22	3	66	\$58.79	\$3,880.14
43 CFR Part 3470, Subpart 3471 Future Interest Lease Applications	1	16	16	\$58.79	\$940.64
43 CFR Part 3470, Subpart 3472 General Qualification Requirements	4	3	12	\$58.79	\$705.48
43 CFR Part 3470, Subpart 3472 Other Qualification Statements / Private Sector	4	1	4	\$58.79	\$235.16
43 CFR Part 3470, Subpart 3472 Other Qualification Requirements / Public Bodies	4	1	4	\$58.79	\$235.16
43 CFR Part 3470, Subpart 3474 Bonds	118	8	944	\$58.79	\$55,497.76
43 CFR Part 3480, Subpart 3481 Accident / Unsafe Conditions Report	1	1	1	\$58.79	\$58.79
43 CFR Part 3480, Subpart 3482 Exploration Plan	15	16	240	\$58.79	\$14,109.60
43 CFR Part 3480, Subpart 3482 Resource Recovery and Protection Plan	27	32	864	\$58.79	\$50,794.56
43 CFR Part 3480, Subpart 3482 Modification of Exploration Plan or Resource Recovery and Protection Plan	16	16	256	\$58.79	\$15,050.24
43 CFR Part 3480, Subpart 3482 Maps of Mining Operations	670	20	13400	\$58.79	\$787,786.00
43 CFR Part 3480, Subpart 3483 Lease Suspension	4	21	84	\$58.79	\$4,938.36

Type of Collection	Number of Responses Annually	Hours per Response	Annual Hours	Weighted Hourly Rate	Federal Cost
43 CFR Part 3480, Subpart 3483 Request for Payment of Advance Royalty in Lieu of Continued Operation	10	22	220	\$58.79	\$12,933.80
43 CFR Part 3480, Subpart 3484 Drill and Geophysical Logs	12	1	12	\$58.79	\$705.48
43 CFR Part 3480, Subpart 3484 Unexpected Wells or Drill Holes	1	1	1	\$58.79	\$58.79
43 CFR Part 3480, Subpart 3485 Waivers, Suspensions, and Reductions of Rents / Royalty Rate Reductions	12	24	288	\$58.79	\$16,931.52
43 CFR Part 3480, Subpart 3485 Exploration Reports	12	16	192	\$58.79	\$11,287.68
43 CFR Part 3480, Subpart 3486 Address of Responsible Party	2	1	2	\$58.79	\$117.58
43 CFR Part 3480, Subpart 3486 Correction Report	1	90	90	\$58.79	\$5,291.10
43 CFR Part 3480, Subpart 3487 Application for Formation or Modification of Logical Mining Unit	1	170	170	\$58.79	\$9,994.30
Totals:	1,017	—	46,004	—	\$2,704,575

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

There are no program changes. The only adjustments are a total increase of \$105 in fixed document processing fees. Details are shown in the following table:

Table 15-1 – Fee Adjustments

Type of Collection	Fee Changes	Total Requested Processing Fees	Total Approved Processing Fees	Difference
43 CFR Part 3410 Application for an Exploration License	From \$360 to \$370	\$2,220	\$2,160	+\$60
43 CFR Part 3450, Subpart 3453 Transfers by Assignment, Sublease, or Otherwise	From \$70 to \$75	\$675	\$630	+\$45
Totals:	---	\$2,895	\$2,790	+\$105

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.

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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification requirements outlined in 5 CFR 1320.9.

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