

Abstract: The Bureau of Land Management uses the information to allow State and local governments and private citizens to use, occupy, or develop the public lands under certain conditions. BLM may authorize land uses for agriculture development, residential uses, recreation concessions and business, industrial and commercial uses.

Frequency: Once.

Description of Respondents: Individuals, State and local governments and private citizens.

Estimated Completion Time: Varies from 1 to 120 hours.

Annual Responses: 641.

Cost Recovery Fee Per Response: Could average 0 to \$500 (depending on cost recovery fees for processing similar applications, applications that result in a rental that is greater than \$250 annually, and the schedule at 43 CFR 2808.3-1.) There is no filing fee.

Annual Burden Hours: 3,140.

Bureau Clearance Officer: Michael Schwartz, (202) 452-5033.

Dated: August 23, 2001.

Michael H. Schwartz,

BLM Information Collection Clearance Office.
[FR Doc. 01-22031 Filed 8-30-01; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010-0074).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR), titled "Coal Washing and Transportation Allowances" (Forms MMS-4292 and MMS-4293). We are also soliciting comments from the public on this ICR.

DATES: Submit written comments on or before October 1, 2001.

ADDRESSES: Submit written comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0074), 725 17th Street, NW., Washington, DC 20503. Also, submit copies of your written comments to

Carol Shelby, Regulatory Specialist, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, Colorado 80225. If you use an overnight courier service, MMS's courier address is Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225. You may also submit your comments at our email address mrm.comments@mms.gov. Include the title of the information collection and the OMB control number in the "Attention" line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Ms. Shelby at (303) 231-3151 or FAX (303) 231-3385.

FOR FURTHER INFORMATION CONTACT:

Carol Shelby, Regulatory Specialist, telephone (303) 231-3151, FAX (303) 231-3385, email Carol.Shelby@mms.gov.

SUPPLEMENTARY INFORMATION:

Title: Coal Washing and Transportation Allowances.

OMB Control Number: 1010-0074.

Bureau Form Number: Forms MMS-4292 and MMS-4293.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. MMS performs the royalty management functions for the Secretary.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of coal from Indian lands, that company or individual agrees to pay the Indian tribe or allottee a share (royalty) of the value received from production from the leased lands. Royalty rates are specified in the lease instrument. To determine whether the amount of royalty tendered represents the proper royalty due, it is first necessary to establish the proper value of the coal that is being sold or otherwise disposed of in some other manner, as well as the proper costs associated with allowable deductions.

The lease creates a business relationship between the lessor and the

lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data that is reported to private and public mineral interest owners and are generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information collected includes data necessary to assure that the royalties that are computed and paid are appropriate.

The product valuation and allowance determination process is essential to assure that Indians receive payment on the proper value of the minerals removed from tribal and allottee land. To determine whether the amount of royalty tendered represents the proper royalty due, it is necessary to establish the proper value of the coal sold, or otherwise disposed of. Of equal importance is the proper determination of costs associated with the allowable deductions from the value of coal.

Under certain circumstances, a lessee may be authorized to deduct certain costs in the calculation of royalties due. An allowance may be granted from royalties to compensate the lessee for the reasonable actual cost of washing the royalty portion of the coal. Also, when the sales point is not in the immediate vicinity of a lease or mine area, an allowance may be granted to compensate the lessee for the reasonable actual cost of transporting the royalty portion of the coal to a sales point not on the lease or mine area. We have developed forms for industry use when reporting or applying for a coal washing or transportation allowance.

Submission of the information in this collection (Forms MMS-4292 and MMS-4293) is necessary when claiming a coal washing or transportation allowance on an Indian lease. MMS is requesting OMB approval for minor revisions necessary to make Forms MMS-4292 and MMS-4293 compatible with our reengineered financial and compliance systems. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: Annually.

Estimated Number and Description of Respondents: 1 Indian lessee.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 4 hours. In estimating the burden, we assumed that respondents perform certain functions, such as records maintenance, in the normal course of their business activities. These functions are considered usual and customary and

therefore are not listed in the following estimate even though records maintenance is an MMS regulatory requirement. The following chart lists the components of the burden estimate.

Citation	Reporting requirement	Burden hour per response	Annual number of responses	Annual burden hour
§ 206.458 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii).	Arm's-length contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS-4292, Coal Washing Allowance Report * * * Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS-4292 * * * Arm's-length contracts. * * * the lessee shall submit page one of the initial Form MMS-4292 prior to, or at the same time, as the washing allowance determined pursuant to an arm's-length contract is reported on Form MMS-2014, Report of Sales and Royalty Remittance * * * After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS-4292 * * * Non-arm's-length or no contract. * * * the lessee shall submit an initial Form MMS-4292 prior to, or at the same time as, the washing allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS-2014, Report of Sales and Royalty Remittance * * * For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS-4292 containing the actual costs for the previous reporting period. If coal washing is continuing, the lessee shall include on Form MMS-4292 its estimated costs for the next calendar year.	2	1	2
§ 206.461 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii).	Arm's-Sales contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS-4293, Coal Transportation Allowance Report * * * Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS-4293 * * * Arm's-length contracts. * * * the lessee shall submit page one of the initial Form MMS-4293 prior to, or at the same time as, the transportation allowance determined pursuant to an arm's-length contract is reported on Form MMS-2014, Reports of Sales and Royalty Remittance * * * After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS-4293 * * * Non-arm's-length or no contract. * * * the lessee shall submit an initial Form MMS-4293 prior to, or at the same time as, the transportation allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS-2014, Report of Sales and Royalty Remittance * * * For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS-4293 containing the actual costs for the previous reporting period.	2	1	2
Total	4	2	4

Estimated Annual Reporting and Recordkeeping "Non-hour Cost"

Burden: We have identified no "non-hour cost" burden.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A), requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * * " Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the

agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with public consultation requirements, on November 9, 2000, we published a **Federal Register** notice (65 FR 67399) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We did not receive any comments. We have posted a copy of the ICR at our Internet web site http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInjColl.htm. We will also provide a copy of the ICR to you without charge upon request.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the

ADDRESSES section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive your comments by October 1, 2001. The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public Comment Policy: We will post all comments received in response to this notice on our Internet web site at http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm for public review. We also make copies of these comments, including names and home addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado.

Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208-7744.

Dated: August 9, 2001.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 01-22076 Filed 8-30-01; 8:45 am]

BILLING CODE 4310-MR-W

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents prepared for OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA's) and Findings of No Significant Impact (FONSI's), prepared by MMS for proposed oil and gas activities on the Gulf of Mexico OCS during the period 4/24/01 to 7/13/01.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114,

New Orleans, Louisiana 70123-2394, or by calling 1-800-200-GULF.

SUPPLEMENTARY INFORMATION: MMS prepares EA's and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This table lists all proposals for which the Gulf of Mexico OCS Region prepared a FONSI during the period 04/24/01 to 07/13/01.

Activity/operator	Location	Date
Chevron U.S.A., Inc., Development Activity/Pipeline Activity, SEA Nos. S-5552, P-13269 and P-13270.	Voisca Knoll Area; Blocks 206, 207, and 251; Leases OCS-G 10926, 13980 and 10930; 30.3 miles off the coast of Alabama.	05/24/01
Chevron U.S.A. Production Co. Development Activity/Pipeline Activity, SEA Nos. N-6899 and P-13170 through P-13177.	Green Canyon Area; Blocks 236 and 237; Leases OCS-G 15562 and 15563; 91 miles south of Terrebonne Parish, Louisiana.	05/02/01
Kerr-McGee Oil and Gas Corp., Development Activity, SEA NO. N-07045.	East Breaks Area, Blocks 602 and 646, 117.5 miles off the coast of Texas.	07/13/01
Gulfstream Natural Gas System, L.L.C., Pipeline Activity, SEA No. P-12373 (G-21459).	Right of Way, OCS-G 21459, From the coastline of Coden, Alabama to the coastline of Port Manatee, Florida, Incorporate Route modifications in Florida middle ground and St. Petersburg areas.	06/01/01
Shell Offshore, Inc., Structure Removal Activity, SEA No. ES/SR 01-008A.	Brazos Area, Block A-19, Lease OCS-G 03936, 36 miles southeast of Matagorda County, Texas and 91 miles southwest of Galveston.	06/05/01
Chevron U.S.A. Inc., Structure Removal Activity, SEA No. ES/SR 01-019A.	South Timbalier Area, Block 69, Lease OCS-G 16422, 27 miles southwest of Fourchon, Louisiana and 18 miles south of Terrebonne Parish, Louisiana.	06/29/01
Ocean Energy, Inc., Structure Removal Activity, SEA No. ES/SR 01-124A.	Mustang Island Area; Block 828; Lease OCS-G 06004; 29 miles east of Nueces County, Texas, 134 miles southeast of Freeport, Texas.	06/27/01
BP America, Inc., Structure Removal Activity, SEA No. ES/SR 01-024.	Mustang Island Area; Block 788; Lease OCS-G 15704; 26 miles southeast of Harbor Island, Texas and 24 miles southeast of Nueces County, Texas.	04/24/01
Dominion Exploration and Production, Structure Removal Activity, SEA No. ES/SR 01-025.	High Island Area (South Addition), Block A570, Lease OCS-G 02390, 175 miles southwest of Intracoastal City, Louisiana and 100 southeast of Galveston County, Texas.	04/24/01
Murphy Exploration and Production Company, Structure Removal Activity, SEA No. ES/SR 01-026.	Ship Shoal Area, Block 134, Lease OCS-G 05201, 40 miles southwest of Cocodrie, Louisiana and 21 miles south-southwest of Terrebonne Parish, Louisiana.	04/25/01
Coastal Oil & Gas Corporation Structure Removal Activity, SEA No. ES/SR 01-027.	Viosca Knoll Area, Block 123, Lease OCS-G 14591, 23 miles south of Baldwin County, Alabama.	04/27/01
Samedan Oil Corporation, Structure Removal Activity, SEA No. ES/SR 01-028.	Eugene Island Area, Block 208, Lease OCS-G 00576, 86 miles southeast of Intracoastal City, Louisiana and 41 miles south-southwest of Terrebonne Parish, Louisiana.	05/03/01
Devon Energy Production Company, L.P., Structure Removal Activity, SEA Nos. ES/SR 01-029, 01-030, 01-031, 01-032 and 01-033.	High Island Area, East and South Addition, Block A325; East Cameron Area, Block 215; West Cameron (South Addition) Area, Block 553; South Marsh Island Area, Blocks 48 and 23; Leases OCS-G 02416, 12839, 04410, 00786 and 00778; 42 to 145 miles off Louisiana coast and 105 miles off Texas coast.	05/23/01

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW Washington, DC 20503.

<p>1. Agency/Subagency originating request</p> <p>Department of the Interior Minerals Management Service</p>	<p>2. OMB control number</p> <p>a. <u>1 0 1 0 - 0 0 7 4</u></p> <p>b. <input type="checkbox"/> None <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New collection</p> <p>b. <input checked="" type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p><i>For b-f, note item A2 of Supporting Statement instructions</i></p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input checked="" type="checkbox"/> Regular</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___</p> <p>c. <input type="checkbox"/> Delegated</p>
<p>7. Title</p> <p>Coal Washing and Transportation Allowances (30 CFR 206.458(a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii) and 206.461(a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii))</p>	<p>5. Small entities</p> <p>Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>8. Agency form number(s) (<i>if applicable</i>)</p> <p>Forms MMS-4292 and MMS-4293</p>	<p>6. Requested expiration date</p> <p>a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ___/___/___</p>
<p>9. Keywords</p> <p>royalties, product valuation, Indian lands, coal washing and transportation allowance, reasonable actual cost, lease, mine, royalty deduction</p>	<p>10. Abstract</p> <p>Under certain circumstances, the lessee may be authorized to deduct certain costs in the calculation of royalties due. An allowance may be granted to compensate the lessee for the reasonable actual cost of washing and transporting the royalty portion of the coal.</p>
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input checked="" type="checkbox"/> Business or other for-profit e. <input checked="" type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input checked="" type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input checked="" type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual reporting and recordkeeping hour burden</p> <p>a. Number of respondents <u>1</u></p> <p>b. Total annual responses <u>2</u></p> <p>1. Percentage of these responses collected electronically <u>0%</u></p> <p>c. Total annual hours requested <u>4</u></p> <p>d. Current OMB inventory <u>10</u></p> <p>e. Difference <u><6></u></p> <p>f. Explanation of difference</p> <p>1. Program change _____</p> <p>2. Adjustment <u><6></u></p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs <u>0</u></p> <p>b. Total annual costs (O&M) <u>0</u></p> <p>c. Total annualized cost requested <u>0</u></p> <p>d. Current OMB inventory <u>0</u></p> <p>e. Difference <u>0</u></p> <p>f. Explanation of difference</p> <p>1. Program change _____</p> <p>2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input checked="" type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance</p> <p>d. <input checked="" type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting</p> <p>1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p>4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually</p> <p>7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe)</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact (<i>person who can best answer questions regarding the content of this submission</i>)</p> <p>Name: <u>Carol P. Shelby</u></p> <p>Phone: <u>(303) 231-3151</u></p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

Note: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3);
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

MMS ICCO

OMB 1010-0074

Signature of Senior Official or designee

Date

H. Theodore Heintz

**Supporting Statement for
Coal Washing and Transportation Allowances
(Forms MMS-4292 and MMS-4293)
(OMB Control Number 1010-0074)
(Expiration Date: August 31, 2001)**

A. Justification

1. What circumstances make this collection of information necessary?

The Secretary of the Interior (Secretary) is responsible for the collection of royalties from lessees who produce minerals from Indian lands. The Secretary is required by various laws to manage the production of mineral resources on Indian lands, to collect the royalties due, and to distribute the funds in accordance with those laws. Applicable citations include 30 U.S.C. 396d and 25 U.S.C. 2103(e) pertaining to Indian lands on which solid minerals are produced (Attachment 1). The product valuation and allowance determination process is essential to assure that the Indians receive payment on the full value of the minerals removed.

The Minerals Management Service (MMS) performs the royalty management functions for the Secretary. When a company or an individual enters into a contract (a lease) to develop, mine, and dispose of coal deposits from Indian lands, that company or individual (the lessee) agrees to pay the royalties on the sale of production from the leased lands. Royalty rates are specified in the lease instrument.

The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data a lessee would report to other private mineral interest owners and is generally available within the records of the lessee or others involved in the development, transportation, processing, purchasing, or selling of such minerals. The information collected includes data necessary to assure that the royalties paid are appropriate.

In order to determine whether the amount of royalty tendered represents the proper royalty due, it is necessary to establish the value of the coal being sold or otherwise disposed of in some other manner (for example, used by the lessee). Under some circumstances the lessee may be

authorized to deduct certain costs in the calculation of royalties due. An allowance may be granted to compensate the lessee for the reasonable actual cost of washing the royalty portion of the coal. Also, when the sales point is not in the immediate vicinity of a lease or mine area, an allowance may be granted to compensate the lessee for the reasonable actual cost of transporting the royalty portion of the coal to a sales point not on the lease or mine area.

We developed the Coal Washing Allowance Report, Form MMS 4292, and the Coal Transportation Allowance Report, Form MMS-4293, for industry use when reporting or requesting a washing or transportation allowance. Historically, the lessee requested approval of royalty deductions by submitting a letter, which provided information enabling the Government to evaluate the reasonableness of the deductions. Under the product value regulations at 30 CFR 206, Subpart J, Indian Coal (Attachment 2), we normally accept costs incurred under arm's-length contracts for transportation and/or washing coal. (An arm's-length contract is a contract or agreement, between independent, nonaffiliated persons with opposing economic interest regarding that contract.) The regulations further provide that we normally accept the contract sales prices arrived at by the lessee in their arm's-length contract as being representative of value for ad valorem leases (30 CFR 206.456).

In those instances when Indian royalty coal is washed or transported under non-arm's-length conditions, it is necessary for us to obtain cost data. This enables us to accurately determine if the lessee correctly computed the coal value and the gross proceeds for royalty calculation purposes.

Indian tribes and allottees receive all royalties generated from Indian lands. Both groups have expressed concern that the Department of the Interior (DOI) ensure they receive the proper royalty amount. Failure to collect the data described in this information collection could result in the undervaluation of the minerals and render it impossible for the Secretary to fulfill his/her statutory and trust responsibilities to the Indians. The information that is collected under this ICR is essential for the royalty valuation process.

2. How, by whom, and for what purpose will the information be used?

The Secretary is obligated to collect royalty on minerals removed from Indian lands based upon value. However, in no event can royalty be computed on less than the gross proceeds that accrue, or could contractually accrue, to the lessee. MMS, acting for the Secretary, uses the information collected to assure that royalties reported and paid are based upon correct product valuation. We use the collected information, as do other Federal Government and State entities, for audit purposes and to evaluate the reasonableness of product valuation or allowance claims submitted by lessees. The determination of the appropriate product value or allowance rate directly affects the royalties due. Failure to collect such data would prevent the Secretary from accomplishing his/her statutory and trust responsibilities.

Regulations at 30 CFR 206.457 and 206.458 provide that in determining coal value for royalty purposes, a lessee may take a deduction for the reasonable actual costs incurred to wash the coal. For washing costs incurred by a lessee under an arm's-length contract, the allowance is the reasonable costs incurred for washing the coal under that contract. MMS approval is not required to take the allowance. However, the Indian lessee must submit page 1 of Form MMS-4292, not later than the same month the washing allowance is first reported on the Report of Sales and Royalty Remittance, Form MMS-2014 (OMB Control Number 1010-0022), estimating the tons of coal washed, rate per ton, and allowance to be taken during the allowance period.

The washing allowance is effective for a 12-month period or until the washing contract terminates, whichever comes first, at which time the lessee must resubmit page 1 of Form MMS-4292 reporting actual tons washed, rate, and allowance taken during the period. Information required includes the lessee's name and address, the payor code, accounting identification (AID) number, product code and selling arrangement code as reported on Form MMS-2014, and estimated or actual production and allowance claimed.

If the lessee has a non-arm's-length washing contract or has no contract, the washing allowance is based on the lessee's reasonable, actual costs. Our approval is not required to take the allowance. However, the lessee must use Form MMS-4292 in its entirety to submit estimated washing costs the same month the washing allowance is reported on Form MMS-2014. The allowance is effective for a 12-month period, at the end of which the lessee must resubmit a completed Form MMS-4292 with actual washing costs. MMS must receive the form within 90 days after the end of the previous reporting period, unless MMS approves a longer period. Thus, Form MMS-4292 is used to report both an estimated allowance to be used for a new 12-month period, and the royalty washing allowance rate based on the lessee's portion of the actual plant operating, maintenance, and overhead expenditures for the prior 12-month reporting period.

Regulations at 30 CFR 206.460 and 206.461 provide that where the royalty value of the coal has been determined at a point remote from the lease or the mine, we will allow a deduction for the reasonable, actual costs incurred to transport the coal to a sales point or to a washing facility remote from the mine or lease. As with the washing allowance, our approval is not required to deduct transportation costs; however, under arm's-length contracts, an Indian lessee must submit page 1 of Form MMS-4293 with estimated costs no later than the same month the allowance is reported on Form MMS-2014. Under a non-arm's-length contract, the lessee must complete the entire form providing estimated transportation, operating, maintenance, and overhead expenses. The allowance is effective for a 12-month period or until the transportation contract terminates. After the initial reporting period, the lessee must resubmit Form MMS-4293 in its entirety for non-arm's-length contracts, or page 1 of the form for arm's-length contracts, providing actual costs incurred during the previous reporting period. We must receive the form within 90 days after the end of the previous reporting period, unless we approve a longer period.

Coal transportation allowance reporting may be straightforward and simple or may be quite complex. In some cases, coal may be transported from point-to-point using a single mode of

transportation such as truck, rail system, conveyor belt, pipeline, slurry-line, barge or ship. In other instances, coal may travel over several segments of a route using multiple transport methods during the same trip. The reporting can be further complicated through the use of combinations of lessee-owned transport systems and other systems under non-arm's-length and/or arm's-length contracts, or both. Each segment must be considered separately and evaluated for the reasonableness of cost.

MMS is seeking OMB's approval for a revision of Forms MMS-4292 and MMS-4293 (Attachment 3). These revisions are necessary to make the information collected on these forms compatible with the new Form MMS-4430, Solid Minerals Production and Royalty Report (OMB Control Number 1010-0120). These revised forms are the result of a major reengineering of MMS's financial and compliance processes. For example, during the reengineering initiative, MMS decided to eliminate the reporting of accounting identification (AID) numbers and selling arrangement numbers. In their place, MMS is requiring lease numbers. Forms MMS-4292 and MMS-4293 will continue to have the same number of columns to be completed and similar data to be provided by the lessee so we do not anticipate any changes in burden hours associated with these forms. The revised forms will become effective and replace the existing forms on or about January 1, 2002, when our new financial and compliance system is fully operational.

3. Does the collection of information involve the use of information technology? If so, does it reduce the burden and to what extent?

Forms MMS-4292 and MMS-4293 are not automated because we receive only one submission of each form each year and designing a computer system to process one form is not cost effective. However, our Government Paperwork Elimination Act implementation plan indicates that we are evaluating these forms to assess the risks and costs of conversion. We will, if at all feasible, offer an electronic alternative for submitting this data by October 2003.

4. Describe efforts to identify duplication. Can similar, available information be used or modified for this collection?

With respect to washing costs and transportation costs, we found that no other Federal or State agency collects the same or similar information. No other adequate information is available which can be used to make appropriate product valuations or to determine the reasonableness of coal washing or transportation allowances.

5. What is the agency doing to minimize the burden on small businesses or other small entities?

Small organizations are among the potential respondents. MMS carefully analyzed its requirements to ensure the requested information is the minimum necessary and places the least possible burden on industry. There are no special reporting provisions for small organizations. MMS provides toll-free telephone assistance and periodic training.

6. What are the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently? Are there technical or legal obstacles to reducing the burden?

No other information exists outside of the files of the individual applicants pertaining to their transportation and/or washing costs. Although some coal sales prices are publicly available from other sources, those prices are not current and do not reflect all monies received from the sale of Indian coal. Also, such information does not meet the rigid standard that prices for non-arm's-length contracts be within the range of other arm's-length contract prices for like-quality coal sold at about the same time in the same area. Therefore, other sales data are not appropriate and cannot be substituted or modified for product valuation purposes.

7. Are there any special circumstances that require exceptions to 5 CFR 1320.5(d)(2)(i) through (viii)?

There are no special circumstances with respect to 5 CFR 1320.5(d)(2)(i) through (viii) except as follows:

(i) Forms MMS-4292 and MMS-4293 are submitted on a calendar year basis. Allowance forms may be submitted more than quarterly if washing or transportation costs increase or decrease sufficiently to require a recalculation of the unit cost; and

(iv) Records required by the Secretary relative to Indian leases must be maintained indefinitely.

This collection is not a statistical survey and does not use statistical data classification; nor does it include a pledge of confidentiality not supported by statute or regulation or require proprietary, trade secret, or other confidential information not protected by agency procedures. Our procedures provide strict security measures to control the use, storage, and access of such information.

8. What efforts did the agency make to consult with the public and a representative sample of respondents?

As required in 5 CFR 1320.8(d), MMS published a 60-day review and comment notice in the Federal Register on November 9, 2000 (65 FR 67399) (Attachment 4). We did not receive any comments.

9. Will payment or gifts be provided to respondents?

There will not be any payment or gifts to respondents.

10. What assurance of confidentiality is provided to respondents?

Commercial or financial information submitted to DOI relative to minerals removed from Federal or Indian leases may be proprietary. The Indian Minerals Development Act of 1982 (25 U.S.C. 2103) provides that all information related to any Indian minerals agreement covered by the Act in the possession of DOI must be held as privileged proprietary information. Storage of such information and access to it is controlled by strict security measures.

11. Does the information collected include any questions of a sensitive nature?

None of the information requested is considered sensitive.

12. What is the estimated reporting and recordkeeping "hour" burden of the collection of information?

Only one Indian lessee at present is required to submit coal allowance forms. The lessee submits Form MMS-4293 for one lease providing an annual estimate of transportation expenses and reporting prior period actual expenses. We estimate that the annual reporting burden per year for preparing and submitting the Form MMS-4293 is 2 hours. The lessee also submits Form MMS-4292 providing annual coal washing expenses. We estimate an annual reporting burden of 2 hours per year for preparing and submitting Form MMS-4292. There are no recordkeeping requirements. Using an estimate of \$50 per hour, we estimate the annual cost to the industry to prepare and submit the required information is \$200. Refer to the chart following Section B for a breakdown of the burden.

13. What is the estimated reporting and recordkeeping "non-hour cost" burden of the collection of information, excluding any costs identified in Items 12 and 14?

We have identified no "non-hour cost" burden associated with this information collection.

14. What is the estimated annualized cost to the Federal Government?

MMS requires 1/2 hour to file, review, and process each single response received. Using a cost estimate of \$50 per hour, we estimate the annual cost to the Federal Government for this information collection is \$50.

15. Are there any program changes or adjustments reported in Items 13 or 14 for the Form OMB 83-I?

The currently approved OMB Inventory includes 10 burden hours in Item 13 of the Form OMB 83-I. The total annual burden for this information collection is 4 hours. The decrease of 6 burden hours is the result of a lower estimate of the number of respondents filing this information collection. There is no cost burden requested in Item 14.

16. Are there plans for tabulation and publication of the results of the information collection?

The data collected will not be tabulated and published for statistical use.

17. Is the agency seeking approval to not display the expiration date?

No. We will display the expiration date of OMB's approval on Forms MMS-4292 and MMS-4293.

18. Are there exceptions to the certification statement in Item 19 of Form OMB 83-I?

To the extent the topics apply to this collection of information, we are not requesting exceptions to the "Certification for Paperwork Reduction Act Submissions."

B. Collection of Information Employing Statistical Methods.

This section is not applicable. We will not employ statistical methods in this information collection.

Section A.12 Burden Breakdown

Citation	Reporting Requirement	Burden Hour per Response	Annual Number of Responses	Annual Burden Hour
§ 206.458 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii)	<p>Arm's-length contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS-4292, Coal Washing Allowance Report . . .</p> <p>Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS-4292 . . .</p> <p>Arm's-length contracts. . . . the lessee shall submit page one of the initial Form MMS-4292 prior to, or at the same time, as the washing allowance determined pursuant to an arm's-length contract is reported on Form MMS-2014, Report of Sales and Royalty Remittance . . . After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS-4292 . . .</p> <p>Non-arm's-length or no contract. . . . the lessee shall submit an initial Form MMS-4292 prior to, or at the same time as, the washing allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS-2014, Report of Sales and Royalty Remittance . . . For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS-4292 containing the actual costs for the previous reporting period. If coal washing is continuing, the lessee shall include on Form MMS-4292 its estimated costs for the next calendar year.</p>	2	1	2
§ 206.461 (a)(1), (b)(1), (c)(1)(i) & (iii), (c)(2)(i) & (iii)	<p>Arm's-length contracts. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS-4293, Coal Transportation Allowance Report . . .</p> <p>Non-arm's-length or no contract. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS-4293 . . .</p> <p>Arm's-length contracts. . . . the lessee shall submit page one of the initial Form MMS-4293 prior to, or at the same time as, the transportation allowance determined pursuant to an arm's-length contract is reported on Form MMS-2014, Reports of Sales and Royalty Remittance . . . After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS-4293 . . .</p> <p>Non-arm's-length or no contract. . . . the lessee shall submit an initial Form MMS-4293 prior to, or at the same time as, the transportation allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS-2014, Report of Sales and Royalty Remittance . . . For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS-4293 containing the actual costs for the previous reporting period.</p>	2	1	2
Total		4	2	4