

nonprofit entities and 25 years for Federal, States and local governmental entities. We issue leases subject to appropriate environmental and legal stipulations and leases must contain provisions for compliance with:

(1) Nondiscrimination based on race, color, sex, age, religion, or national origin;

(2) An approved plan of management and development upon which BLM based the lease decision (we may cancel a lease for nonuse or a use (without prior BLM consent) other than for which BLM issued the lease);

(3) The Federal Government may reserve the standing timber, use of water, or place other limitations on the use of natural resource; and

(4) Other reasonable stipulations we may require as part of the consideration for the moderate charge for land.

BLM issues patents under the Act that convey a restricted title containing provisions which, if not complied with, may result in reversion of the title to the United States. These provisions are:

(1) Nondiscrimination clauses providing that the patentee may not restrict or permit restrictions on the use of the lands conveyed or facilities because of race, color, sex, age, religion, or national origin;

(2) A provision that, if the patentee or its successor in interest attempts to transfer title or control over the land to another or the land is devoted to a use (without prior BLM consent) other than for what it conveyed, title will revert to the United States;

(3) The patent must stipulate the lands in perpetuity are used for the purposes for which the lands are acquired (the lease or patent may stipulate that certain provisions of the development plan, including the management plan, may be subject to review by the Secretary of the Interior or his delegate); and

(4) All minerals are reserved to the United States. After receiving the form, the BLM will:

(1) Determine if the applicant's proposal conforms with land use planning, review land status to determine if the lands are subject to application, and determine if the application meets all requirements of the law and regulations;

(2) Review the development and management plans to determine adequacy and effectiveness, and evaluate the construction schedule and estimated financing to ensure they are realistic and practicable;

(3) Secure the views of other agencies that have an interest in the lands, including State and local planning and zoning departments;

(4) Check for the presence of unpatented mining claims (R&PP leases and conveyances cannot be issued where mineral claims are present) and, if necessary to determine the validity of a mining claim. The cost of the determination will be the responsibility of the applicant;

(5) Conduct a field examination and other investigations to gather information and data on the environmental considerations and proper classification of the lands;

(6) Publish a notice to solicit views and comments from the public concerning the proposal.

Based on past experience processing these applications, BLM estimates the public reporting burden for completing and providing the information for Form 2740-1 is 40 hours. BLM estimates that we receive approximately 55 applications annually, with a total annual burden of 2,200 hours.

Any member of the public may request and obtain, without charge, a copy of the BLM Form No. 2740-1 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: May 28, 2002.

**Michael H. Schwartz,**

*Bureau of Land Management, Information Collection Clearance Officer.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WO-350-1430-PE-24 1A]**

#### **Extension of Approved Information Collection, OMB Approval Number 1004-0029**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collect information from those persons who submit a Color-of-Title Application (Form No. 2540-1) to apply for public lands under a color-of-title claim. The BLM uses the information to determine if the applicant is eligible to acquire public

lands under the Color-of-Title Act of December 22, 1928.

**DATES:** You must submit your comments to BLM at the address below on or before September 9, 2002. BLM will not necessarily consider any comments received after the above date.

**ADDRESSES:** You may mail comments to: Regulatory Affairs Group (WO-630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: [WOCComment@blm.gov](mailto:WOCComment@blm.gov). Please include "ATTN: 1004-0029" and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** You may contact Alzata L. Ransom, Lands and Realty Group, on (202) 452-7772 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1-800-877-8330, 24 hours a day, seven days a week, to contact Ms. Ransom.

**SUPPLEMENTARY INFORMATION:** 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) the accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) ways to enhance the quality, utility, and clarity of the information collected; and

(d) ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Congress passed the Color-of-Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068-1068b), to provide for the transfer of legal title to public lands from the United States to eligible individuals, groups, or corporations who have a valid color-of-title claim. The regulations at 43 CFR 2540 provide guidelines to file a color-of-title claim.

Any individual, group, or corporation that possesses valid evidence of a title to public lands administered by BLM may file a Color-of-Title Application (Form 2540-1). The Act refers to Class I and Class II claims. A Class I claim is a claim:

(1) Held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for a minimum of 20 years; and

(2) where claimant or predecessors placed valuable improvements and cultivated part of the land.

A Class II claim is a claim held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for the period commencing not later than January 1, 1901, to date of application, during which time they paid taxes levied on the land by State and local governmental units.

A claim is not held in good faith when held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession if it was initiated while the land was withdrawn or reserved for Federal purposes.

When BLM receives the application, we will analyze the information, conduct an on-site field examination of the lands, and prepare reports. The BLM will approve your application if you meet the requirements of a Class I or Class II claim. We will reject your application if you do not meet the requirements of a Class I or Class II claim. Class II claims are discretionary and we may reject the application if the public interest in retention of the lands clearly outweighs the interest of the applicant.

Based on past experience processing these applications, BLM estimates the public reporting burden for completing the Form 2540-1 is 15 minutes. BLM estimates that we receive approximately 37 applications annually, with a total annual burden of 9 hours.

Any member of the public may request and obtain, without charge, a copy of the BLM Form 2540-1 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: May 28, 2002.

**Michael H. Schwartz,**  
Bureau of Land Management, Information  
Collection Clearance Officer.

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## 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 1010-0121).

**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 "Administrative Appeal Procedures" (formerly titled "Preliminary Statement of Issues and Fee Waiver"). We are also soliciting comments from the public on this ICR.

**DATES:** Submit written comments on or before August 12, 2002.

**ADDRESSES:** Submit written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0107), 725 17th Street, NW., Washington, DC 20503. Also, submit copies of your written comments to Carol Shelby, Regulatory Specialist, Minerals Management Service, MS 320B2, PO 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 e-mail address

[mrm.comments@mms.gov](mailto: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, phone (303) 231-3151 or FAX (303) 231-3385.

#### SUPPLEMENTARY INFORMATION:

**Title:** Administrative Appeal Procedures.

**OMB Control Number:** 1010-0121.

**Bureau Form Numbers:** None.

**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 is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties from lessees who produce minerals, and 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.

On January 12, 1999, DOI published a proposed rule in the **Federal Register** (64 FR 1930) to revise the appeals process. Proposed 43 CFR part 4, subpart J, would have established a new 1-step process for appeals of royalty orders. Among other actions, the proposed rule would have replaced the current regulations at 30 CFR part 290 and 43 CFR part 4, subpart E, as they relate to appeals of royalty orders. MMS submitted an information collection request entitled "Preliminary Statement of Issues and Fee Waiver" to cover the information collection requirements in that proposed rule. OMB approved that request on April 13, 1999, and assigned OMB Control Number 1010-0121.

MMS received numerous negative comments about some of the provisions in the proposed rule. Consequently, on May 13, 1999, MMS published a final rule in the **Federal Register** (64 FR 26240) making final only those portions of the January 1999 proposed rule that received few, if any, comments. For example, rather than finalizing the substantive procedural changes in the proposed rule, the regulations in 30 CFR part 290 were separated into two subparts—subparts A and B—and rewritten using plain English principles. Subpart A relates to appeals for the Offshore Minerals Management program, and subpart B relates to appeals for the Royalty Management Program (currently Minerals Revenue Management). Subpart J of 43 CFR part 4 was added to the final rule to incorporate specific time frames required in the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. However, the final rule does not contain the substantive changes required to change the appeals process from a 2-step to a 1-step process as originally proposed in the proposed rule.

MMS is revising this information collection to cover the reporting requirements contained in the final rule. These requirements are located in 30 CFR parts 250 and 290. Refer to the burden chart for identified reporting