



CLOUD PEAK  
ENERGY®

October 10, 2013

Armand Southall  
Regulatory Specialist  
Office of Natural Resources Revenue  
P.O. Box 25165  
MS61030A  
Denver, CO 80225-0165

**Re: RIN 1012-AA04 - Cloud Peak Energy Comments on Proposed Rules for Valuation of Federal Coal for Advance Royalty Purposes and Information Collection Applicable to All Solid Minerals Leases**

Dear Mr. Southall:

Cloud Peak Energy appreciates the opportunity to review and comment upon the Office of Natural Resources Revenue proposed rule changes for valuation of federal coal for advance royalty purposes and information collection applicable to all solid minerals leases as published August 12, 2013. Cloud Peak Energy is one of the largest U.S. coal producers and owns and operates three large surface mines in the Powder River Basin. As one of the safest coal producers in the nation, Cloud Peak Energy specializes in the production of low sulfur, subbituminous coal. With approximately 1,700 employees, the company is widely recognized for its exemplary performance in its safety and environmental programs. Cloud Peak Energy is a sustainable fuel supplier for approximately 4% of the nation's electricity.

Cloud Peak Energy's review of the proposed rule package (RIN 1012-AA04) noted a particular area of concern relative to the proposed additional information collection and that is discussed below.

**1. Proposed Rule 30 CFR § 1210.202 (addition of collected information)**

Under the proposed rules, the Office of Natural Resources Revenue (ONRR) would require solid minerals producers to submit additional data and information for solid minerals produced or sold from Federal or Indian solid minerals leases. The list of additional information includes specific information about contracts, customers, mineral quality, among other data. Many aspects of this data are proprietary and business sensitive. As such it needs to be clear that the proposal also include specific language that the information submitted to ONRR will be categorized and processed as confidential information, will be used only by ONRR and will not be subject to Freedom of Information Act requests. The

following additions or changes, per the bolded language below, need to be incorporated into the final rule:

(a)(1) For solid minerals produced or sold from Federal or Indian solid minerals leases for each mine, you must submit a completed Form ONRR-4440A for coal; Form ONRR-4440B for sodium/potassium; Form ONRR-4440C for Western Phosphate; Form ONRR-4440D for metals; and Form ONRR-4440E for all other minerals produced from leases containing ad valorem royalty terms not covered by Forms ONRR-4440A through ONRR-4440D. **As information submitted on these forms may be proprietary, all information will be categorized and processed as confidential information, will be used only by ONRR and will not be subject to Freedom of Information Act requests.** These forms and instructions are available at . . .

(a)(2) For all products produced from leases having ad valorem royalty terms, you must include the required data elements listed in the following table on the appropriate Form ONRR-4440. **As information submitted on these forms may be proprietary, all information will be categorized and processed as confidential information, will be used only by ONRR and will not be subject to Freedom of Information Act requests.**

(c)(3) **Regardless of the form of submittal, all information will be categorized and processed as confidential information, will be used only by ONRR and will not be subject to Freedom of Information Act requests.**

(c)(4) Instructions for submitting Form ONRR-4440 are available at . . . .

We appreciate the opportunity to review and comment upon the proposed rule changes for valuation of federal coal for advance royalty purposes and information collection applicable to all solid minerals leases. We hope that the comments and recommendations above are useful and that they will be incorporated into the final rule. Please contact me if there are additional details or information related to the discussions above that we may provide.

Sincerely,



Bob Green  
GM, Sustainable Development  
Cloud Peak Energy Resources LLC