

# Federal Register

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Monday  
May 8, 1995

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Part X

Department of the  
Interior

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Semiannual Regulatory Agenda

## DOI

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1778	Response Plans for Facilities Seaward of the Coastline .....	1010-AB81

## Minerals Management Service—Completed/Longterm Actions

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## DOI

## Minerals Management Service—Completed/Longterm Actions (Continued)

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## Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

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1793	Applicant/Violator System Permit Information .....	1029-AB62
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## Office of Surface Mining Reclamation and Enforcement—Completed/Longterm Actions

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1798	Applicant/Violator System Procedures .....	1029-AB34
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1805	Coal Formation Outcrop Fires .....	1029-AB77
1806	Arizona Federal Program .....	1029-AB81

## DOI—BIA

## Completed/Longterm Actions

**1758. TRIBAL ORGANIZATION UNDER A FEDERAL STATUTE**

CFR Citation: 25 CFR 81

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken at this time.	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Simmons, 202 208-7445

RIN: 1076-AC88

**1759. PETITIONING AND OTHER PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES**

CFR Citation: 25 CFR 82

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken at this time.	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Simmons, 202 208-7445

RIN: 1076-AC89

**1760. FAMILY AND CHILD EDUCATION PROGRAM (FACE)**

CFR Citation: 25 CFR 35

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken at this time.	01/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patsy Jones, 202 218-1127

RIN: 1076-AC92

**1761. RESOURCE ALLOCATION METHODOLOGY FOR THE HOUSING ASSISTANCE PROGRAM**

CFR Citation: 25 CFR 256

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken at this time.	01/11/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Manuel, 202 208-3463

RIN: 1076-AD01

**1762. IRRIGATION OPERATION AND MAINTENANCE RATE ADJUSTMENT**

CFR Citation: 25 CFR 171.1

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken under this RIN.	01/18/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ross Mooney, 202 208-5480

RIN: 1076-AD02

**1763. RANGE REGULATIONS**

CFR Citation: 25 CFR 162; 25 CFR 166

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Bradford, 202 208-3598

RIN: 1076-AD04

**1764. REINDEER IN ALASKA**

CFR Citation: 25 CFR 243

**Completed:**

Reason	Date	FR Cite
Withdrawn due to pending lawsuit.	01/19/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don C. Tomlin, 907 727-4124

RIN: 1076-AD07

**1765. • TRIBAL SELF-GOVERNANCE PROGRAM SELECTION CRITERIA**

Legal Authority: PL 101-413; PL 103-413

CFR Citation: 25 CFR 901

Legal Deadline: None

**Abstract:** This rule establishes procedures for tribes to use in applying for entry into the self governance program and establishes the criteria to be used by the Department in selecting new tribes for negotiations.

**Timetable:**

Action	Date	FR Cite
Final Action - No further action will be taken at this time.	02/15/95	60 FR 8553

Small Entities Affected: None

Government Levels Affected: None

**Agency Contact:** Verner V. Duus, Compact Negotiator, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Room 2548, Washington, DC 20240, 202 219-0240

RIN: 1076-AD19

BILLING CODE 4310-02-F

## DEPARTMENT OF THE INTERIOR (DOI)

## Proposed Rule Stage

## Minerals Management Service (MMS)

**1766. PAYOR RESPONSIBILITIES**

Priority: Substantive, Nonsignificant

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351

et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

**Abstract:** Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals, and related revenues from Federal and Indian mineral leases. These monies

## DOI—MMS

## Proposed Rule Stage

are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	04/13/94	59 FR 17504
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

**RIN:** 1010-AB45

#### 1767. AMENDMENTS TO 30 CFR 250.67—HYDROGEN SULFIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.67

**Legal Deadline:** None

**Abstract:** This rule will revise the requirements for warning systems, personnel protection, hydrogen sulfide (H<sub>2</sub>S) and sulphur dioxide (SO<sub>2</sub>) detection and monitoring. A recent equipment failure at an H<sub>2</sub>S gas facility resulted in the flaring of gas containing high concentrations of H<sub>2</sub>S, which resulted in the risk of exposure to high concentrations of H<sub>2</sub>S and the discharge of large volumes of SO<sub>2</sub>. As a result of this incident, the current regulations are being revised to adequately address the flaring of gas containing H<sub>2</sub>S. Since the revisions are extensive, the rule is being repropose.

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33326
NPRM Comment Period End	10/15/90	55 FR 33326
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

**RIN:** 1010-AB50

#### 1768. REVISION OF REQUIREMENTS GOVERNING CORPORATE SURETY BONDS FOR OUTER CONTINENTAL SHELF LEASES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250; 30 CFR 251; 30 CFR 256

**Legal Deadline:** None

**Abstract:** This rule will amend current regulations requiring lessee surety bonds. The value of surety bonds required by current regulations for leases approved before November 27, 1993, is not adequate to protect the government from loss due to lessees' failure to comply with the terms of OCS leases. This rule embodies a comprehensive approach to the complex problems associated with the movement of smaller operators into the OCS. The potential costs are the increase in cost to obtain a higher level of bond coverage. Benefits would be the enhancement of smaller operators' ability to provide necessary surety, and to provide greater protection of the public interest by reducing the potential for losses to the government.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Room 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

**RIN:** 1010-AB92

#### 1769. REVISION OF AUTHORIZED BIDDING SYSTEMS FOR LEASES IN THE OUTER CONTINENTAL SHELF

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1334(a)

**CFR Citation:** 30 CFR 256

**Legal Deadline:** None

**Abstract:** This action will better enable MMS to set lease terms in reaction to changing oil and gas market conditions by offering leases at royalty rates that reflect lower market prices. This rule will allow modification of the minimum royalty from 12-1/2 percent of the production amount or value to an effectively lower rate that would be described in the lease terms portion of a sale's final notice. This lower rate could be designated over the life of the lease as a constant or sliding scale measure, or it could emerge as a result of the lessee's fulfillment of specified conditions (e.g., no royalties would be due until production reaches a designated level or a predetermined capital cost allowance is recovered). MMS expects to better respond to changing market conditions because of this modification and believes that this action will cause increased bidding (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: competition for new leases. For those selected tracts offered under a reduced royalty bidding system, the proposed rule is expected to bolster domestic production and maintain or increase employment in the oil and gas sector.

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Room 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

**RIN:** 1010-AB93

DOI—MMS

Proposed Rule Stage

**1770. TRANSPORTATION AND PROCESSING ALLOWANCES FOR OIL AND GAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 396; 25 USC 2102; 30 USC 181; 30 USC 351; 30 USC 1001; 30 USC 1701; 30 USC 1301; 30 USC 1331; 30 USC 1801**CFR Citation:** 30 CFR 206**Legal Deadline:** None

**Abstract:** A study group was formed to review regulatory requirements that became effective on March 1, 1988. This group proposed changes to the forms and submission requirements and the method for calculating assessments. The minerals industry and the general public will be requested to comment on the proposed changes to the rules on transportation and processing allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment	01/00/96	
Period End		

**Small Entities Affected:** Undetermined**Government Levels Affected:** State, Tribal

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, Room 3000, Denver, CO 80225-0165, 303 231-3058

**RIN:** 1010-AB94**1771. FLARING OR VENTING GAS AND BURNING LIQUID HYDROCARBONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1334(j)**CFR Citation:** 30 CFR 250.175**Legal Deadline:** None

**Abstract:** MMS regulations do not now address burning of liquid hydrocarbons. When the rules were written, liquid hydrocarbons were not burned and there was no need to address the subject. Economic changes, coupled with an increase in well test times and distances from shore, have caused some operators to ask to burn liquid hydrocarbons. Currently, MMS is citing its mandate to conserve resources to restrict this practice. However, to have clear regulatory backing for this policy,

MMS is planning to issue a proposed rulemaking. This proposed rule will give the public the opportunity to comment on the proposed restrictions on burning liquid hydrocarbons.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment	08/00/95	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** None

**Agency Contact:** Sharon Buffington, Petroleum Engineer, Department of the Interior, Minerals Management Service, Room 4700, 381 Elden Street, Herndon, VA 22070-4817, 703 787-1147

**RIN:** 1010-AB96**1772. GAS MEASUREMENT AND COMMINGLING****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1334; 30 USC 1711**CFR Citation:** 30 CFR 250.181; 30 CFR 250.182; 30 CFR 250.184**Legal Deadline:** None

**Abstract:** This rule would amend and update regulations applicable to gas measurement, add a provision to an existing regulation that would clarify conditions under which surface commingling of gas would be approved, and add a new section to require measurement or estimation of gas volumes used on the leases or otherwise not saved for sale.

**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** Federal

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Room 4700, 381 Elden Street, Herndon, VA 22070-4817, 703 787-1607

**RIN:** 1010-AB97**1773. TRANSPORTATION AND WASHING ALLOWANCES FOR COAL****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 396; 25 USC 2101; 30 USC 181; 30 USC 351; 30 USC 1001; 30 USC 1701; 31 USC 9701; 43 USC 1301; 43 USC 1331; 43 USC 1801**CFR Citation:** 30 CFR 206**Legal Deadline:** None

**Abstract:** This rule is designed to improve MMS's administration of allowances and to provide incentives for payors to comply with the reporting requirements of the regulations. It will amend the current regulatory requirements for allowance forms submission, amend the allowance payback and late payment charges for forms that are not filed on time, retain the need for regulatory approval thresholds, and propose alternative approaches to administrative allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment	01/00/96	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** State, Tribal

**Agency Contact:** James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

**RIN:** 1010-AC00**1774. ROYALTIES, RENTALS, BONUSES, AND OTHER MONIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 396; 25 USC 2101; 25 USC 181; 25 USC 351; 25 USC 1701; 25 USC 9701; 25 USC 1301; 25 USC 1331; 25 USC 1801**CFR Citation:** 30 CFR 218**Legal Deadline:** None

**Abstract:** This rule implements changes in Treasury regulations that require agencies to use electronic collection and deposit of funds when cost effective, practical, and consistent with statutory authority. The rule will simplify industry's payments to MMS in compliance with the new Treasury requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment	09/00/95	
Period End		

**Small Entities Affected:** None**Government Levels Affected:** State, Tribal

## DOI—MMS

## Proposed Rule Stage

**Agency Contact:** James W. Shaw,  
Associate Director for Royalty  
Management, Department of the  
Interior, Minerals Management Service,  
P.O. Box 25165, MS 3000, Denver, CO  
80225-0165, 303 231-3058

**RIN:** 1010-AC01

### 1775. VALUATION OF GAS PRODUCTION—FEDERAL LEASES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 25 USC  
396; 25 USC 2101; 30 USC 181; 30 USC  
351; 30 USC 1001; 30 USC 1701; 31  
USC 9701; 43 USC 1301; 43 USC 1331;  
43 USC 1801

**CFR Citation:** 30 CFR 206

**Legal Deadline:** None

**Abstract:** This rule amends regulations regarding the valuation of gas produced from Federal leases and agreements for arms-length and non arms-length contracts. Due to the variety of situations in producing and marketing gas products, MMS's purpose is to provide a valuation procedure that closely reflects market conditions and allows royalty to be based upon information readily available to the lessee. The procedure will minimize the administrative burden on industry and MMS.

#### Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** State,  
Tribal

**Additional Information:** This rule was developed using the negotiated rulemaking process which included representatives of MMS, States, industry, and other interested parties. Public meetings were held in accordance with notices published in the Federal Register.

**Agency Contact:** James W. Shaw,  
Associate Director for Royalty  
Management, Department of the  
Interior, Minerals Management Service,  
P.O. Box 25165, MS 3000, Denver, CO  
80225-0165, 303 231-3058

**RIN:** 1010-AC02

### 1776. • ALLOWANCES FOR TRANSPORTATION AND PROCESSING COSTS ASSOCIATED WITH GAS VALUATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 25 USC  
396; 25 USC 2101; 25 USC 181; 25 USC

351; 25 USC 1001; 25 USC 1701; 25  
USC 9701; 25 USC 1301; 25 USC 1331;  
25 USC 1801

**CFR Citation:** 30 CFR 206

**Legal Deadline:** None

**Abstract:** This rule amends the regulations governing valuation for royalty purposes of gas produced from Federal and Indian leases. It primarily addresses allowances for transportation of gas. The amendments would clarify the methods by which gas royalties and deductions for gas transportation are calculated. The rule will also clarify changes required by Federal Energy Regulatory Commission Order 636 which has caused significant changes in the natural gas transportation industry.

**Timetable:** Next Action Undetermined

**Small Entities Affected:** None

**Government Levels Affected:** State,  
Tribal

**Agency Contact:** James W. Shaw,  
Associate Director for Royalty  
Management, Department of the  
Interior, Minerals Management Service,  
P.O. Box 25165, Room 3000, Denver,  
CO 80225-0165, 303 231-3058

**RIN:** 1010-AC06

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

## Minerals Management Service (MMS)

### 1777. SAFETY REQUIREMENTS GOVERNING PRODUCTION PLATFORMS AND PIPELINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** The development of this rule resulted from the recommendation of a task force that examined many contributing causes to recent fatal accidents in the North Sea and the Gulf of Mexico. The task force identified areas where changes in regulations should be considered. This action considers changes to the regulations concerning better communication among personnel, protection of pipeline risers, safe fuel storage, and requirements of shutdown valves on depositing pipelines.

#### Timetable:

Action	Date	FR Cite
ANPRM	07/23/90	55 FR 29860
ANPRM Comment Period End	09/21/90	
NPRM	05/16/94	59 FR 25377
NPRM Comment Period End	07/15/94	
Final Action	10/00/95	
Final Action Effective	11/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella,  
Chief, Engineering and Standards  
Branch, Department of the Interior,  
Minerals Management Service, Mail  
Stop 4700, 381 Elden Street, Herndon,  
VA 22070, 703 787-1607

**RIN:** 1010-AB52

### 1778. RESPONSE PLANS FOR FACILITIES SEAWARD OF THE COASTLINE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1321; EO  
12777

**CFR Citation:** 30 CFR 250

**Legal Deadline:** Final, Statutory,  
August 18, 1992.

**Abstract:** Regulations are being developed to implement the authority of Minerals Management Service (MMS) under the Federal Water Pollution Control Act (FWPCA) as amended by the Oil Pollution Act of 1990. These regulations will address oil spill prevention and response in State submerged lands as well as in the Outer Continental Shelf. A nonregulatory alternative will not meet the mandate of the FWPCA as amended. The expected costs will

## DOI—MMS

## Final Rule Stage

depend on the extent to which existing practices in State and Federal waters meet the new mandated requirements. The expected benefits will be an assurance that oil spill prevention and response capability are being addressed on all facilities in both State and Federal waters.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/12/92	57 FR 36032
ANPRM Comment Period End	10/28/92	
Interim Final Rule	02/08/93	58 FR 7489
Interim Final Rule	02/08/93	58 FR 7489
NPRM	01/13/95	60 FR 3177
NPRM Comment Period End	03/14/95	
Next Action	Undetermined	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

**RIN:** 1010-AB81

**DEPARTMENT OF THE INTERIOR (DOI)  
Minerals Management Service (MMS)**

**Completed/Longterm Actions**

**1779. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES**

**CFR Citation:** 30 CFR 218

**Completed:**

Reason	Date	FR Cite
Final Action	01/13/95	60 FR 3085
Final Action Effective	02/13/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB40

**1780. EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES**

**CFR Citation:** 30 CFR 220

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken.	02/09/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB46

**1781. VALUATION OF OIL AND GAS FROM INDIAN LEASES**

**CFR Citation:** 30 CFR 202

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/31/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB57

**1782. ARCHAEOLOGICAL SURVEYS**

**CFR Citation:** 30 CFR 250.33; 30 CFR 250.34; 30 CFR 250.157

**Completed:**

Reason	Date	FR Cite
Final Action	10/21/94	59 FR 53091
Final Action Effective	11/21/94	59 FR 53091

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** John Mirabella, 703 787-1607

**RIN:** 1010-AB63

**1783. LIMITATIONS ON CREDIT ADJUSTMENTS SUBMITTED BY LESSEES AND OTHER ROYALTY PAYORS UNDER FEDERAL AND INDIAN MINERAL LEASES**

**CFR Citation:** 30 CFR 218

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/31/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB73

**1784. COLLECTION OF ROYALTIES, INTEREST, AND OTHER AMOUNTS DUE UNDER FEDERAL AND INDIAN MINERAL LEASES BY ADMINISTRATIVE OFFSET**

**CFR Citation:** 30 CFR 218

**Completed:**

Reason	Date	FR Cite
Withdrawn - This rule has been combined with 1010-AB73.	02/10/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB74

**1785. AMENDMENT OF REGULATIONS GOVERNING ASSESSMENTS FOR INCORRECT REPORTS**

**CFR Citation:** 30 CFR 216; 30 CFR 218

**Completed:**

Reason	Date	FR Cite
Final Action	08/01/94	59 FR 38904
Final Action Effective	08/31/94	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** James W. Shaw, 303 231-3058

**RIN:** 1010-AB82

**1786. OFFSETS, RECOUPMENTS, AND REFUNDS OF EXCESS PAYMENTS OF ROYALTIES, RENTALS, BONUSES, OR OTHER AMOUNTS UNDER FEDERAL OFFSHORE MINERAL LEASES**

**CFR Citation:** 30 CFR 200

**Completed:**

Reason	Date	FR Cite
Final Action	07/28/94	59 FR 38359
Final Action Effective	08/29/94	

**Small Entities Affected:** None

**Government Levels Affected:** None



DOI—MMS

Completed/Longterm Actions

Agency Contact: James W. Shaw, 303  
231-3058  
RIN: 1010-AB90

**1787. TRAINING OF LESSEE AND CONTRACTOR EMPLOYEES ENGAGED IN OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

CFR Citation: 30 CFR 250.210; 30 CFR 250.211; 30 CFR 250.212; 30 CFR 250.213; 30 CFR 250.214; 30 CFR 250.215

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Buffington, 703 787-1147

RIN: 1010-AB99  
BILLING CODE 4310-MR-F

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office of Surface Mining Reclamation and Enforcement (OSMRE)**

Prerule Stage

**1788. AFFECTED AREA (HAUL ROADS)**

Priority: Substantive, Nonsignificant  
Legal Authority: 30 USC 1201 et seq  
CFR Citation: 30 CFR 701

Legal Deadline: None

**Abstract:** The term "affected area" as defined in 30 CFR 701.5 excludes public roads, if, among other things, there is substantial public use. The rule was remanded by the Federal District Court because the definition excluded too broad a class of public roads.

Suspension of that rule has caused confusion and left state regulatory authorities and OSM with imperfect guidance in a difficult area. Consistent with the Federal District Court ruling this rule will provide clarification and nationwide consistency concerning the extent to which public roads must be included in the affected area. There would be some increased costs to regulatory authorities and the coal industry since certain public roads that are not now regulated will need to be incorporated into the affected area of existing permits.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Fox, Program Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 200 234-3263

RIN: 1029-AB76

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office of Surface Mining Reclamation and Enforcement (OSMRE)**

Proposed Rule Stage

**1789. COAL MOISTURE**

Priority: Substantive, Nonsignificant  
Legal Authority: 30 USC 1201 et seq  
CFR Citation: 30 CFR 870  
Legal Deadline: None

**Abstract:** This rule adds specific criteria an operator must use in determining an excess moisture allowance claimed under 30 CFR 870.12. These criteria will codify technical guidance contained in AML Payer Letters issued since June 1988. The rule will identify acceptable methods and procedures for estimating total and inherent moisture contained in low rank coal. The criteria are based upon OSM experience and industry practices.

Small Entities Affected: Undetermined  
Government Levels Affected: Undetermined

Agency Contact: Jane Robinson, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 7425 MIB, Washington, DC 20240, 202-208-3318

RIN: 1029-AB78

practical with the surface mining operation. The rule will require the completion of backfilling and grading within certain times or distances following coal removal. The proposal allows that for mining methods other than area and contour mining a schedule may be established by the regulatory authority, or on a case-by-case basis, a time and distance variance may be approved by the authority.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/95	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	

**1790. CONTEMPORANEOUS RECLAMATION**

Priority: Substantive, Nonsignificant  
Legal Authority: 30 USC 1201 et seq  
CFR Citation: 30 CFR 816  
Legal Deadline: None

**Abstract:** This rule will reestablish time and distance requirements for backfilling and grading areas and contour mines so that reclamation proceeds as contemporaneously as