

**Uinta National Forest***Bryant's Fork Administrative Site*

Uinta Special Meridian

T. 3 S., R. 12 W.,  
Sec. 36, W $\frac{1}{2}$ SE $\frac{1}{4}$ .*Strawberry Administrative Site*

Uinta Special Meridian

T. 2 S., R. 12 W.,  
Sec. 27, NE $\frac{1}{4}$ .**Ashley National Forest***Uinta River Administrative Site*

Uinta Special Meridian

T. 2 N., R. 2 W.,  
Sec. 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 400 acres.

2. At 10 a.m. on August 27, 2003, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: July 11, 2003.

**Rebecca W. Watson,***Assistant Secretary—Land and Minerals Management.*

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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 an extension of a currently approved information collection (OMB Control Number 1010-0138).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR part 206, subpart B. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements. The ICR is titled "30 CFR Part 206, Subpart B, Establishing Oil Value on Royalty Due on Indian Leases."

**DATES:** Submit written comments on or before August 27, 2003.

**ADDRESSES:** Submit written comments either by fax (202) 395-5806 or e-mail (*Ruth\_Solomon@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0138). Mail or hand-carry a copy of your comments to Sharron L. Gebhardt, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** Sharron L. Gebhardt, telephone (303) 231-3211, FAX (303) 231-3781. You may also contact Sharron Gebhardt to obtain a copy at no cost of the regulations that require the subject collection of information.

**SUPPLEMENTARY INFORMATION:**

*Title:* "30 CFR Part 206, Subpart B, Establishing Oil Value on Royalty Due on Indian Leases."

*OMB Control Number:* 1010-0138.

*Bureau Form Number:* 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 (Secretary) under the Mineral Leasing Act (30 U.S.C. 1923 and the OCS Lands Act (43 U.S.C. 1353) 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 and assists the Secretary in

carrying out DOI's Indian trust responsibility.

On December 20, 1995, MMS published an Advance Notice of Proposed Rulemaking (60 FR 65610) regarding valuation of oil from Federal and Indian leases. In the notice, we asked all interested parties to submit and/or comment on alternate methodologies for valuing oil production. Additionally, we asked for comments related to "significant quantities" in valuation determinations.

Although industry generally had no comments due to pending litigation on this issue, many States and Indian organizations generally believed the current system is outdated and a new system based on either the New York Mercantile Exchange (NYMEX) or spot prices would be more appropriate. In response to these concerns, we published a proposed rule on February 12, 1998 (63 FR 7089), revising the current Indian oil valuation regulations. This proposed rule "Establishing Oil Value for Royalty Due on Indian Leases," added more certainty to valuation of oil produced from Indian lands and eliminated any direct reliance on posted prices.

Then, MMS proposed further changes to its proposed rule regarding the valuation, for royalty purposes, of crude oil produced from Indian leases by publishing a supplementary proposed rule on January 5, 2000 (65 FR 403).

This supplementary proposed rule established a new form—*Form MMS-4416*, Indian Crude Oil Valuation Report, for collecting value and value differential data. OMB approved the use of this proposed Form MMS-4416 and assigned OMB Control Number 1010-0113.

MMS is now requesting OMB to renew its approval for the reporting requirements under the proposed and supplementary proposed rules until a final rule is published. We are also seeking OMB's approval for the current requirements in 30 CFR part 206, subpart B, that were inadvertently overlooked. This notice gives the public another opportunity to comment on the reporting requirements in the proposed and supplementary proposed rules and to also comment on the current requirements.

MMS announced in the **Federal Register** on February 12, 2003 (68 FR 7086), the dates, places, and times for workshops on issues related to the existing rules adopted in March 2000 governing the valuation for royalty purposes of crude oil produced from Federal leases. The workshops, held on March 4-6, 2003, addressed, among other things, issues related to

calculation of transportation allowances (including the rate of return allowed for calculating actual costs under non-arm's-length transportation arrangements), timing and application of published index prices, and calculation of location and quality differentials under certain circumstances.

Because of the substantive overlap between these issues and issues involved in the proposed rule on Indian oil valuation, and to give persons interested in Indian lease issues an opportunity to participate in the workshops, MMS reopened the comment period (68 FR 7086) for 60

days on the proposed rule on Indian oil valuation so it can include in the record any relevant comments received. MMS will then consider those comments as they might apply to the Indian oil valuation rule.

*Frequency of Response:* Annually and monthly.

*Estimated Number and Description of Respondents:* 236 Companies paying royalties on oil produced from tribal and allotted Indian leases.

- 225 respondents (proposed and supplementary proposed rules)
- 11 respondents (current regulations)

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* 6,980 Hours.

- 6,680 hours (proposed and supplementary proposed rules)
- 300 hours (current regulations)

The following chart details the individual components and estimated hour burdens for the proposed rule, supplementary proposed rule, and the current reporting requirements under 30 CFR part 206, subpart B. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. Therefore, we consider these to be usual and customary and took that into account in estimating the burden.

**BURDEN HOUR CHART FOR PROPOSED AND SUPPLEMENTARY PROPOSED REPORTING REQUIREMENTS**

| Proposed 30 CFR 206, subpart B   | Reporting requirement  | Burden hours per response   | Annual number of responses | Annual burden hours |
|--|--|---|----------------------------|---------------------|
| Proposed § 206.52.   | You must determine the value of oil using the method that yields the highest value.  | 2   | 2,700                      | 5,400               |
| Proposed § 206.52(d).  | On Form MMS–2014, you must initially report and pay the value of production at the higher of the index-based or gross proceeds-based values * * * You must file this report * * * you must submit an amended Form MMS–2014 with the higher value within 30 days after you receive notice from MMS of the major portion value.  | Burden covered under OMB Control Number 1010–0140.  |                            |                     |
| Proposed § 206.53(a) and (b).  | On request, you must make available sales and volume data for production you sold, purchased, or obtained from the designated area or from nearby fields or areas * * * You must make this data available to the authorized MMS * * * You must retain all data relevant to the determination of royalty value.   | Normal records retention for targeted audit purposes—exempt from the Paperwork Reduction Act. |                            |                     |
| Proposed § 206.54.   | You may ask MMS for guidance in determining value. You may propose a value method to MMS. Submit all available data related to your proposal and any additional information MMS deems necessary.   | 400   | 2                          | 800                 |
| Proposed/Supplementary Proposed § 206.60(b)(2).                            | You may ask MMS to approve a transportation allowance deduction * * * You must demonstrate that the transportation costs incurred were reasonable, actual, and necessary. Your application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant supporting documentation * * *.  | Burden covered under OMB Control Number 1010–0095   |                            |                     |
| Proposed/Supplementary Proposed § 206.61 (c)(3)(i), (ii), (iii), and (iv). | If an MMS-calculated differential * * * does not apply to your oil, either due to location or quality differences, you must request MMS to calculate a differential for you* * * After MMS publishes its annual listing of location/quality differentials, you must file your request in writing with MMS for an MMS-calculated differential. You must demonstrate why the published differential does not adequately reflect your circumstances * * *. If you file a request for an MMS-calculated differential within 30 days after MMS publishes its annual listing of location/quality differentials, * * * Send your request to: Minerals Management Service * * *. | 40  | 12                         | 480                 |
| Proposed/Supplementary Proposed § 206.61(d)(4).                            | You must report transportation allowances, location differentials, and quality differentials as separate lines on Form MMS–2014.   | Burden covered under OMB Control Number 1010–0140.  |                            |                     |
| Proposed/Supplementary Proposed § 206.61(d)(5).                            | You must submit information on Form MMS–4416 * * * you must file a new form each time you execute a new exchange or sales contract involving the production of oil from an Indian lease.   | Burden covered under OMB Control Number 1010–0113.  |                            |                     |
| Total .....  | .....  | .....   | 2,714                      | 6,680               |

BURDEN HOUR CHART FOR CURRENT REPORTING REQUIREMENTS IN 30 CFR PART 206, SUBPART B

| Current 30 CFR 206, Subpart B    | Reporting or recordkeeping requirement  | Burden hours per response   | Annual number of responses | Annual burden hours |
|----------------------------------|---|---|----------------------------|---------------------|
| <b>Valuation Standards</b>       |   |   |                            |                     |
| § 206.52(e)(1) and (2) .....     | * * * the lessee shall retain all data relevant to the determination of royalty value * * * A lessee shall notify MMS if it has determined value. . . The notification shall be by letter to MMS . . . The letter shall identify the valuation method to be used and contain a brief description of the procedure to be followed.   | 20  | 1                          | 20                  |
| § 206.52(g) .....                | The lessee may request a value determination from MMS * * * the lessee shall propose to MMS a value determination method . . . The lessee shall submit all available data relevant to its proposal.   | 40  | 1                          | 40                  |
| <b>Transportation Allowances</b> |   |   |                            |                     |
| § 206.54(b)(2) .....             | Upon request of a lessee, MMS may approve a transportation allowance deduction . . . The lessee must demonstrate that the transportation costs incurred in excess of the limitation . . . were reasonable, actual, and necessary. An application for exception (using Form MMS-4393, Request to Exceed Regulatory Allowance Limitation) shall contain all relevant and support documentation necessary for MMS to make a determination. | Burden covered under OMB Control Number 1010-0095.                |                            |                     |
| § 206.55(a)(1)(i) .....          | * * * the lessee must submit a completed page one of Form MMS-4110 (and Schedule 1), Oil Transportation Allowance Report, * * *.  | Burden covered under OMB Control Number 1010-0061.                |                            |                     |
| § 206.55(a)(2)(i) .....          | * * * no allowance may be taken for the costs of transporting lease production which is not royalty bearing without MMS approval.   | 40  | 1                          | 40                  |
| § 206.55(a)(2)(ii) .....         | * * * the lessee may propose to MMS a cost allocation method on the basis of the values of the products transported.  | 20  | 1                          | 20                  |
| § 206.55(a)(3) .....             | If an arm's-length transportation contract includes both gaseous and liquid products, and the transportation costs attributable to each product cannot be determined from the contract, the lessee shall propose an allocation procedure to MMS * * * The lessee shall submit all available data to support its proposal.   | 40  | 1                          | 40                  |
| § 206.55(b)(1) .....             | * * * the lessee must submit a completed Form MMS-4110 . . . A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS-4110 is filed with MMS * * * MMS may direct a lessee to modify its actual transportation allowance deduction.   | Burden covered under OMB Control Numbers 1010-0061 and 1010-0140. |                            |                     |
| § 206.55(b)(2)(iv) .....         | After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of MMS.   | 20  | 1                          | 20                  |
| § 206.55(b)(2)(iv)(A) .....      | After an election is made, the lessee may not change methods without MMS approval.  | 20  | 1                          | 20                  |
| § 206.55(b)(3)(i) .....          | * * * the lessee may not take an allowance for transporting lease production which is not royalty bearing without MMS approval.   | 40  | 1                          | 40                  |
| § 206.55(b)(3)(ii) .....         | * * * the lessee may propose to MMS a cost allocation method on the basis of the values of the products transported.  | 20  | 1                          | 20                  |
| § 206.55(b)(4) .....             | Where both gaseous and liquid products are transported through the same transportation system, the lessee shall propose a cost allocation procedure to MMS * * * The lessee shall submit all available data to support its proposal.  | 20  | 1                          | 20                  |

## BURDEN HOUR CHART FOR CURRENT REPORTING REQUIREMENTS IN 30 CFR PART 206, SUBPART B—Continued

| Current 30 CFR 206, Subpart B      | Reporting or recordkeeping requirement  | Burden hours per response                          | Annual number of responses | Annual burden hours |
|------------------------------------|---|--|----------------------------|---------------------|
| § 206.55(b)(5) .....               | A lessee may apply to MMS for an exception from the requirement that it compute actual costs * * *.   | 20   | 1                          | 20                  |
| § 206.55(c)(1)(i) .....            | * * * the lessee shall submit page one of the initial Form MMS-4110 (and Schedule 1), Oil Transportation Allowance Report, prior to, or at the same time as, the transportation allowance determined, under an arm's-length contract, is reported on Form MMS-2014, Report of Sales and Royalty Remittance.                     | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(1)(iii) and (iv) ..... | * * * lessees must submit page one of Form MMS-4410 (and Schedule 1) within 3 months after the applicable contract or rate terminates or is modified or amended, . . . MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents.          | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(2)(i) .....            | . . . the lessee shall submit an initial Form MMS-4110 prior to, or at the same time as, the transportation allowance determined under a non-arm's-length contract or no-contract situation is reported on Form MMS-2014 * * *.   | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(2)(iii) .....          | * * * the lessee shall submit a completed Form 4110 containing the actual costs for the previous reporting period . . . the lessee shall include on Form MMS-4110 its estimated costs for the next calendar year . . . MMS must receive the Form MMS-4110 within 3 months after the end of the previous reporting period * * *. | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(2)(iv) .....           | For new transportation facilities or arrangements, the lessee's initial Form MMS-4110 shall include estimates of the allowable oil transportation costs for the applicable period.  | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(2)(vi) .....           | Upon request by MMS, the lessee shall submit all data used to prepare its Form MMS-4410.  | Burden covered under OMB Control Number 1010-0061. |                            |                     |
| § 206.55(c)(4) .....               | Transportation allowances must be reported as a separate line item on Form MMS-2014 * * *.  | Burden covered under OMB Control Number 1010-0140. |                            |                     |
| § 206.55(e)(2) .....               | For lessees transporting production from Indian leases, the lessee must submit a corrected Form MMS-2014 to reflect actual costs * * *.   | Burden covered under OMB Control Number 1010-0140. |                            |                     |
| Total .....                        | .....   | .....  | 11                         | 300                 |

*Estimated Annual Reporting and Recordkeeping "Non-Hour" Cost Burden:* We have identified no "non-hour" cost burdens.

*Public Disclosure Statement:* 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.

*Comments:* Section 3506(c)(2)(A) of the PRA 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 the public consultation process, we published a notice in the **Federal Register** on February 28, 2003 (68 FR 9709), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments 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 public comments by August 27, 2003.

*Public Comment Policy:* We will post all comments in response to this notice on our Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/InfoColl/InfoColCom.htm](http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm). We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we

withhold your name and/or address, state this prominently at the beginning of your comment. 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, (202) 208-7744.

Dated: May 23, 2003.

**Cathy J. Hamilton,**

*Acting Associate Director for Minerals Revenue Management.*

[FR Doc. 03-19070 Filed 7-25-03; 8:45 am]

BILLING CODE 4310-MR-P

**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 extension of an information collection (1010-0049).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under "30 CFR 250, Subpart B, Exploration and Development and Production Plans." This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

**DATES:** Submit written comments by August 27, 2003.

**ADDRESSES:** You may submit comments either by fax (202) 395-5806 or e-mail (*Ruth\_Solomon@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-0049). Mail or hand carry

a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street, Herndon, Virginia 20170-4817.

**FOR FURTHER INFORMATION CONTACT:**

Arlene Bajusz, Rules Processing Team, telephone (703) 787-1600. You may also contact Arlene Bajusz to obtain a copy, at no cost, of the regulations, forms, and notices that require the subject collection of information.

**SUPPLEMENTARY INFORMATION:**

*Title:* 30 CFR 250, Subpart B, Exploration and Development and Production Plans.

*OMB Control Number:* 1010-0049.  
*Bureau Form Numbers:* Forms MMS-137, MMS-138, MMS-139, and MMS-141.

*Abstract:* The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Sections 11 and 25 of the amended OCS Lands Act require the holders of OCS oil and gas and sulphur leases to submit exploration plans (EPs) and development and production plans (DPPs) for approval before starting these activities. The implementing regulations and associated information collection requirements are contained in 30 CFR 250, subpart B, Exploration and Development and Production Plans. In addition, MMS has issued Notices to Lessees and Operators (NLTs) that provide supplementary guidance and procedures as applicable to each Region

or nationally. These NLTs address the various surveys, reports, plans (including deepwater operations plans and conservation information), etc., that are necessary for MMS to approve exploration or development and production activities.

With this submission, we are requesting renewal of the currently approved information collection requirements of subpart B, and related forms and NLTs, and are revising form MMS-137, OCS Plan Information Form. The revised form has been redesigned and includes additional information on schedule and description of proposed activities and associated anchors with no change to the burden.

The MMS engineers, geologists, geophysicists, and environmental scientists use the information collected under subpart B, and related forms and NLTs, to analyze and evaluate the planned operations to ensure that they will not adversely affect the marine, coastal, or human environment and that they conserve the resources of the OCS. It would be impossible for the Regional Supervisor to make an informed decision on whether to approve the proposed plans, or whether modifications are necessary, without the analysis and evaluation of the required information. The affected States also review the information collected for consistency with approved Coastal Zone Management plans.

*Frequency:* On occasion.

*Estimated Number and Description of Respondents:* Approximately 150 Federal OCS oil, gas, and sulphur lessees.

*Estimated Reporting and Recordkeeping "Hour" Burden:* The estimated annual "hour" burden for this information collection is a total of 300,905 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

| Citation 30 CFR 250 subpart B and related NLTs | Reporting and recordkeeping requirement  | Hour burden | Average number annual responses | Annual burden hours |
|--|--|-------------|---------------------------------|---------------------|
| 201 .....                                      | Notify MMS and others of preliminary activities and submit follow-up information.  | 10 .....    | 22 notices/information ..       | 220                 |
| 202 .....                                      | Submit conservation information documents .....  | 443 .....   | 30 documents .....              | 13,290              |
| 203 .....                                      | Submit initial exploration plan, including surveys, reports, studies, GOM Region forms MMS-137, MMS-138, MMS-139, etc., including notification requirements. | 580 .....   | 200 plans .....                 | 116,000             |